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HOW DO MILITARY CONFLICTS END? LESSONS FOR UKRAINE

The main ways of ending military conflicts, both between states and within the state, are considered. Among the four main ways to end the war are: military victory, negotiated settlement, negotiated truces, peace of sorts is imposed by third parties. Researchers conclude that the best way to promote sustainable peace is a negotiated settlement. The main factor here is the text of the peace agreement, which creates the rules of the game, according to which the key actors in the conflict agree to act.

The models of democracy that can be laid down in a peace agreement are analyzed. Among them are consociational democracy, power-dividing, centrifugal and corporate models.

The attention is paid to the consociational model, which according to the author, is the best alternative for resolving the armed conflict in the occupied territories of Luhansk and Donetsk regions of Ukraine. The basic idea of power-sharing or consociational democracy is to accommodate the interests of the political elite, which represents each segment in a divided society. The key characteristics of power-sharing are a grand coalition, segment's autonomy, proportional representation, and mutual veto. All these features can be applied in different categories of power-sharing. These are political, military, economic, and territorial dimensions. Besides, there are three types of power-sharing: inclusive power-sharing, constraining power-sharing, and dispersive power-sharing. The division of different types helps to understand at what stage of conflict resolution, what kind of institutions of power-sharing should be implemented. An analysis of the Minsk Agreement revealed that its text was at odds with current conflict resolution practices, which was one of the reasons why the agreement does not affect conflict resolution.

Keywords: war, methods of conflict resolution, consociational democracy, power-sharing, peace agreement.

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ЯК ЗАКІНЧУЮТЬСЯ ВІЙСЬКОВІ КОНФЛІКТИ? УРОКИ ДЛЯ УКРАЇНИ

Розглянуто основні способи закінчення військових конфліктів, як між державами так і всередині держави. Серед чотирьох основних способів закінчення війни виділяють такі: військова перемога, переговори про врегулювання конфлікту, переговори про перемир'я та встановлення миру третьою стороною. Дослідники доходять висновку, що найкращими способом, який сприяє тривалому миру, є переговори про врегулювання конфлікту. Головним фактором тут виступає текст мирної угоди, де закладаються правила гри, за якими основні актори конфлікту погоджуються діяти.

Проаналізовано основні моделі демократії, які можуть закладатися у мирну угоду. Серед них виділяють: консоціональну демократію, роздільне правління, доцентрову та корпоративну моделі.

Основну увагу приділено консоціональній моделі, яка, на думку автора, є найкращою альтернативою для вирішення збройного конфлікту на окупованих територіях Луганської та Донецької областей України. Основна ідея розподіленого правління або консоціональної демократії полягає в акомодатії інтересів політичної еліти, яка представляє кожний сегмент в розділеному суспільстві. Ключовими характеристиками розподіленого правління є велика коаліція, автономія сегментів, пропорційне представництво та взаємне вето. Всі ці характеристики можуть застосовуватися у різних категоріях розподіленого правління. Це політичний, військовий, економічний та територіальний виміри. Крім того, виділяються три види розподіленого правління, а саме інклюзивне розподілене правління, обмежуваче розподілене правління та розпорошуваче розподілене правління. Поділ на різні типи допомагає зрозуміти, на якій стадії розв'язання конфлікту, які інститути розподіленого правління необхідно застосовувати. В результаті аналізу Мінської угоди виявлено, що її текст суперечить сучасним практикам розв'язання конфліктів, що стало однією з причин того, що ця угода не виявила ефективність у розв'язанні конфлікту.

Ключові слова: війна, методи вирішення конфліктів, консоціональна демократія, розподілене правління, мирна угода.

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КАК ЗАКАНЧИВАЮТСЯ ВОЕННЫЕ КОНФЛИКТЫ? УРОКИ ДЛЯ УКРАИНЫ

Рассмотрены основные способы окончания военных конфликтов, как между государствами, так и внутри государства. Среди четырех основных способов войны выделяют следующие: военная победа, переговоры об урегулировании конфликта, переговоры о перемирии и установление мира третьей стороной. Исследователи приходят к выводу, что переговоры об урегулировании конфликта наиболее способствуют установлению и поддержанию длительного мира. Главным фактором здесь выступает текст мирного соглашения, где закладываются правила игры, по которым основные акторы конфликта соглашаются действовать.

Проанализированы основные модели демократии, которые могут закладываться в мирное соглашение. Среди них выделяют: консоциональную демократию, раздельное правление, центристремительную и корпоративную модели.

Основное внимание уделено консоциональной модели, которая, по мнению автора, является лучшей альтернативой для решения вооруженного конфликта на оккупированных территориях Луганской и Донецкой областей Украины. Основная идея распределенного правления или консоциональной демократии заключается в акомодации интересов политической элиты, которая представляет каждый сегмент в расколотом обществе. Ключевыми характеристиками распределенного правления являются большая коалиция, автономия сегментов, пропорциональное представительство и взаимное вето. Все эти характеристики могут применяться в различных категориях распределенного правления. Это политическое, военное, экономическое и территориальное измерения. Кроме того, выделяются три вида распределенного правления, а именно инклюзивное распределенное

правления, ограничивающее распределенное правления и расплывающееся распределенное правления. Разделение на различные типы помогает понять, на какой стадии разрешения конфликта, какие институты распределенного правления необходимо применять. В результате анализа Минского соглашения обнаружено, что ее текст противоречит современным практикам разрешения конфликтов, что стало одной из причин того, что это соглашение показало неэффективность в решении конфликта.

Ключевые слова: война, методы разрешения конфликтов, консоциональная демократия, распределенное правления, мирное соглашение.

The armed conflict in Ukraine has been going on for more than five years. The experience of similar conflicts in the post-Soviet space (Transnistria in Moldova, Abkhazia, and Ossetia in Georgia) shows that conflicts are frozen, these territories are not integrated. This situation creates instability in the region. In the case of Ukraine, the scenario of freezing the conflict slows down Ukraine's efforts to join the EU and NATO and contributes to the persistence of neopatrimonial democracy as a mode of governance (Фісун 2016). Therefore, the issue of ending the military conflict in Donbas and reintegration of uncontrolled territories is the highest priority.

There are various ways in scientific literature how wars can end. Also, the literature is divided into that which deals with the study of interstate conflicts and conflicts within the country. For example, the researcher Wittman in his study indicates the probability when wars between states can continue and end. He, in contrast to behavioral and psychological theories, bases his research on the theory of rational choice. For countries to agree to end the war, the benefits of war for the two countries must be less than the expected benefits of resolving the conflict (Witman 1979: 744). The benefit of continuing the war depends on the cost of the war and the opportunities and benefits of winning or losing the war. If one of the parties expects the benefits of victory to be higher than the costs of the war, it is assumed that the country will want the war to continue (Witman 1979: 745). When the shooting decreases, the possibility of concluding an agreement decreases, and thus the war continues. And if one of the parties thinks that it can win, it also reduces the possibility of concluding a peace settlement agreement (Witman 1979: 760).

This study was done in the 70s. After the collapse of the bipolar world, with the collapse of the USSR, more and more attention of researchers began to pay to civil wars. Current comparative peace science studies not only the end of interstate wars but also intrastate. Thus,

research by Hoodie and Hartzell (Hartzell, Hoodie 2008) takes into account international, civil wars and armed conflicts, and indicates that there are four ways to end a war. Among them are: military victory, negotiated settlement, negotiated truces, peace of sorts is imposed by third parties. Military victory is when one side defeats the other (Hartzell, Hoodie 2008: 5). A negotiated settlement brings together representatives of opposing groups, none of whom acknowledges defeat, to discuss and agree on the terms on which they will end the armed conflict. One of the central characteristics of the negotiated settlement is that the opponents involved in this form of ending the war directly address the question of how to distribute power and govern it in the postwar state. Opponents of the civil war can negotiate a settlement on their own, or third parties can help develop such an agreement (Hartzell, Hoodie 2008: 5). The negotiated truces differ from settlement negotiations in that they focus on the process and ways to end violence in the short term. The negotiated truces seldom address the complex issue of how and by whom to exercise power in a post-war state. A peace secured by a truce is often reminiscent of the type of «uncertainty» when hostilities ended but the final state of relations between the participants in the hostilities and the rules for resolving conflicts remain unclear (Hartzell, Hoodie 2008: 7). The establishment of peace by a third party occurs when one of the groups of participants in hostilities negotiates with third parties involved in the conflict (Hartzell, Hoodie 2008: 8).

Among these four ways to stop the military conflict, researchers indicate the negotiated settlement as the best way to end the war. There are several reasons for this. Firstly, negotiations to end the war are less costly than a military victory (Hartzell, Hoodie 2008: 8). Secondly, the outcome of the negotiated settlement has a greater potential for enduring peace (Hartzell, Hoodie 2008: 9).

It should be emphasized that when we talk about peace, it is not easy to stop the shooting. For example, although a ceasefire is an urgent

need, it should not be confused with a broader peace-building plan and replaced its (Lederach 1998: 75). Thus, the provisions on the cessation of hostilities and the perception of the common future of the country (which, according to Lederach (Lederach 1998: 77) includes «sustainable development, self-sufficiency, just social structures») must be different.

Ensuring a cessation of hostilities does not in itself guarantee that there will be stable peace in countries that have survived civil wars. A strong peace is characterized not only by the absence of armed conflict. Distinctive features of a stable peace include regulated conflict management practices and the emergence of a domestic order that ensures self-enforcement. The stable relations between hostile groups are the product of established governing bodies that both mitigate and direct social competition (Hartzell, Hoodie 2008: 11).

The arrangements and rules of the game laid down in the peace agreement must be designed in such a way that all parties are willing to abide by these rules and that the benefits of enforcing these rules outweigh the return to hostilities.

However, the introduction of democracy sometimes creates favorable conditions for the emergence of groups that want to return to hostilities. It arises since democratic rules are new and unknown, and the outcome of the elections is also uncertain. In this case, power-sharing institutions/mechanisms help to ensure that they have at least minimal representation in government. As was the case with the Dayton Peace Accords, which ended the war in Bosnia, the agreement included a «committee of three» presidency that included representatives from

Bosnia, a Bosnian Serb, and a Bosnian Croat (Hoodie, Hartzell 2010: 9).

Power-sharing institutions are those rules, in addition to defining how decisions will be made by a group within a polity, the distribution of decision-making rights, including access to public resources, among collectives that compete for power (Hartzell, Hoodie 2010: 320).

There are categories in power-sharing: political, territorial, military, and economic. The political dimension refers to political power among the parties to a settlement. This is a proportional electoral system, administrative proportional representation, and proportional representation in the executive branch. The territorial dimension includes the division of autonomy between levels of government based on federalism or regional autonomy. The economic dimension is the distribution among groups of the economic resources that belong to the state. The military dimension is the distribution of the coercive power of the state (Hartzell, Hoodie 2010: 320). The more extensive the network of power-sharing institutions the competing parties are willing to create, the less likely they are to return to the use of armed violence for a settlement. Power-sharing should have many dimensions, not just focus on political decision making (Hartzell, Hoodie 2010: 330).

Power-sharing can be considered in three different forms: inclusive, dispersion, and constraining. Some of these forms are very close to the establishment of democracy, while others are not (Strom et al. 2015: 166). Table 1 represents the description of each type.

Table 1

The types of power sharing

Inclusive power sharing	Dispersion power sharing	Constraining power sharing
- grand coalition, - mutual veto, - reservation of seats or positions in the executive branch for certain groups	- distribution of power to subnational governments, - accountability of subnational governments to citizens, -representation of subnational districts in the central government	- freedom of religion, - members of the army may not be elected to parliament, - effective judicial control over the legislative and executive authorities

Gates et al. (Gates et al. 2016: 524) studies the effects of institutions of different power-sharing types in societies that experienced armed conflict and countries that do not. Their analysis shows that only constraining institutions of the power-sharing are associated with a reduced risk of armed conflict, including

the risk of initial conflict and the risk of recurrence in post-conflict situations. It can be explained by providing security for ordinary citizens, and by the protection from government repression that the core way in which the power-sharing leads to peace.

As Lijphart points out, the only difference between the concepts of consociational democracy and power-sharing is that power-sharing is a practical recommendation, and consociationalism is a theoretical concept (Lijphart 2008: 6).

Consociational democracy can be seen as a system of accommodation and compromise between elites, in which states with deep social and political divisions have the opportunity to achieve political stability. A. Lijphart defines consociational democracy through its four characteristics, the first and most important of which is the exercise of power by a grand coalition of political leaders of all major segments of a multifaceted society. It can take several different forms, such as a grand coalition inside the cabinet in a parliamentary system, a «grand» council or committee with important advisory functions, or a grand coalition with other key officials in the presidential system. Three other important elements of consociational democracy: 1) mutual veto, or the rule of «matching majority», which is an additional guarantee of the vital interests of the minority, 2) proportionality as the main principle of political representation, it applies in particular to the principles of civil service and distribution of budget funds, 3) a high degree of autonomy of each segment in the implementation of its internal affairs.

Participation in a «grand coalition» provides an important political guarantee of security to political segments that are a significant minority, but the guarantee is not entirely reliable. Decisions must be made by a «grand coalition»; they are achieved by voting, and although the presence in the coalition allows minorities to defend their position as vigorously as possible in the face of coalition partners, the majority can still vote for it during the vote. If the decisions made in this way violate the vital interests of the minority segment, then such a defeat will be considered unacceptable, and cooperation between the elites of these segments will be threatened. Thus, the right of a minority to veto must be added to the principle of a «grand coalition»; only such a right will give each political segment a full guarantee of political security. The biggest threat is that this right may create the same difficulties for cooperation within a grand coalition as the neglect of minority opinion. However, three arguments can be made to confirm that this threat is not as great as it seems. First, the veto is reciprocal, and all minority groups own it and can resort to it. Second, the very fact that the veto is always in

the arsenal of available means gives minorities a sense of confidence, thus reducing the likelihood of applying this right in practice. Finally, every political segment understands and realizes the danger of reckless veto. The mutual veto can be both an informal agreement and a formal rule enshrined in the constitution (Лейпхарт 1997: 73-74). The principle of proportionality is also a significant departure from the principle of majority power and, like a mutual veto, is closely linked to the principle of a «grand coalition». It can be used twice. First, it is a method by which positions in the civil service system are distributed among political segments, as well as financial resources in the form of state subsidies (Лейпхарт 1997: 74). Proportionality as a neutral and impartial way of distribution removes from the decision-making process many problems that could potentially split the coalition, and thus eases the «weight» of consociational power. Proportionality is the basic principle of the functioning of the «grand coalition»: all the most important segments should not only be represented in decision-making bodies but also be represented proportionally.

The last deviation from the power of the majority is the autonomy of the segments, which leads to the corresponding independence of the minority in the sphere of its vital interests. It seems to be a logical consequence of the «grand coalition» principle. On all issues of general importance, decisions should be made by all segments together, with an approximately proportional degree of influence. For all other issues, decision-making and implementation can be given to each segment. Delegating to segments the rights to develop and implement policy decisions, together with the proportional distribution of public funds to each segment, are a powerful incentive for different organizations to form within segments. One aspect of defining a plural society is that the cleavages are transferred to civil society institutions. This means that the autonomy of the segments increases the complexity of the already heterogeneous society. The nature of consociational democracy is fully consistent with the fact that it (at least in its initial phase) makes a plural society even more heterogeneous. Its content is not in eliminating or weakening the contradictions between the segments, but in openly recognizing them and transforming the segments into constructive elements of a stable democracy. A special form of the autonomy of the segments is federalism, although, of course, federalism can exist in a small society (Лейпхарт 1997: 92-94). The

theory of federalism has much in common with consociationalism, and it is not only the granting of autonomy to the constituent parts of the state but also the overrepresentation of small entities in the «federal» chamber of parliament. Thus, the theory of federalism can be considered as a limited and special kind of theory of consociationalism, and vice versa, the concept of autonomy can be considered as a general conclusion from the theory of federalism (Лейпхарт 1997: 78–79).

Donald Horowitz is the most famous critic of consociationalism. He emphasizes that consociational mechanisms only increase ethnic or religious divisions, and the elites have no incentive to cooperate (Grofman, Stockwell 2020: 108). Horowitz focuses on the topic of pre- and post-election coalitions: unlike Lijphart, for whom the main goal is to reach a compromise between groups after the election, Horowitz points to the need to form coalitions before the election that will involve voters from different groups and thus promote compromise on ethnic grounds (Horowitz 2002: 23). He argues in favor of an integrative approach that helps resolve ethnic conflicts by overcoming ethnic differences between groups (Grofman, Stockwell 2020: 109). Horowitz determines that the best way to reduce the destructive characteristics of a divided society is not to encourage the formation of ethnic parties, but rather to use an electoral system that will encourage cooperation and accommodation among competing groups (Reilly 2002: 157).

Another critic of Lijphart's theory is Philip Roeder. He points out that the mechanisms of power-sharing limit democracy and usually creates stable cartels among the elite of ethnic groups (Roeder, Rotchild: 36). Many inclusive decision-making institutions, such as mutual vetoes, can be used to start a confrontation game in which each party threatens to block decision-making in parliament until the other party makes concessions.

Institutions of power-sharing shape the policy agenda and the exclusive rights of interethnic distribution of power and resources. The question of what exactly divides ethnic groups is central, this section supports high-level interethnic conflict and the viability of fundamental issues regarding the reorganization of rules (Roeder, Rotchild: 37).

Institutions of power-sharing are also created to increase the representativeness of the state, but this representativeness is always created due to government inefficiency.

Inclusive decision-making, especially, through the guarantee of ethnic representation and the guarantee of veto, makes policy-making slower and more likely to lead to a stalemate (Roeder, Rotchild: 39).

Power-dividing institutions emphasize the importance of civil rights that limit government, the separation of powers that create diverse majorities, and the checks and balances that limit each majority. These institutions guarantee the rights of ethnic and other groups, but it is universalist, individual freedoms. Separation mechanisms do not abolish the majority component of government decision-making, the basic principle of democracy, according to which the popular majority chooses the course of government. Institutions of separation of powers authorize a different majority, where each majority represents the public interest somewhat differently, in a separate, independent governmental body (Roeder, Rotchild: 52). A simple and obvious obstacle to the violation of the majority on the rights of the minority is the requirement that any change in the distribution of rights must be ratified by a different majority in government bodies (Roeder, Rotchild: 64). Power-dividing disperses political power among different political institutions at the national and sub-national levels and empowers different majorities within each. Thus, the separation of executive power from the legislature and the division of the legislature into two separate chambers are encouraged. From this point of view, even if presidentialism leads to a concentration of power and, consequently, to super-presidency, in a divided society the presidential system can lead to a real separation of powers and significant checks and balances, and in this case is better than parliamentarism. It is also not necessary to have one optimal set of election rules for representative bodies representing alternative majorities. Federalism can lead to destructive consequences through the concentration of local government, and instead requires the creation of several institutional bodies at the subnational level with a government elected by a majority (Roeder, Rotchild: 343).

In practice, the three political models (consociationalism, centripetal model, and corporatism) are considered ideal types, but most countries do not use pure types but combinations of approaches. Table 2 presents the basic principles of the models (Reilly 2012: 267).

Table 2

Models of democracy for divided societies

	Consociational model	Centripetal model	Corporate model
Election	Proportional system based on party lists in large constituencies to maximize proportionality	A system in which politicians depend on other communities than their own	Collective voter lists
Cabinet	The government of the grand coalition, the veto of minorities on important issues	Government of a multiethnic coalition, no minority veto	Formal separation of powers based on the number of votes received
Parties	Ethnic parties, each represents own group	Non-ethnic or multiethnic parties or party coalitions	Ethnic parties for certain groups
Autonomy	Autonomy of segments and ethnic federalism	Non-ethnic federalism or autonomy	Division of the territory into several independent units

Taking into account the theory, we can consider how much applied in the Minsk Agreement, which was concluded in 2015 and signed by members of the Normandy Four¹.

The Minsk Agreement² includes thirteen articles. These include a ceasefire in Luhansk and Donetsk regions and the withdrawal of armed forces by both sides, including all foreign armed groups; release and exchange of all hostages; amnesty; delivery of humanitarian aid; restoration of socio-economic ties. Moreover, this agreement requires elections in accordance with Ukrainian law and the granting of special status to certain territories of Luhansk and Donetsk regions. In addition, following the Minsk Agreement, it is necessary to adopt the Law of Ukraine «On the temporary procedure of local self-government in certain territories of Donetsk and Luhansk regions». This new law should include those applicable to certain territories of Luhansk and Donetsk regions: amnesty, the right to linguistic self-determination, the prosecutor's office and courts appointed by local self-government, socio-economic development by the Government of Ukraine, cross-border cooperation with the territories of the Russian Federation, creation of people's military units by local authorities.

Based on this description, it can be noted that no power-sharing institutions were included in the Minsk Agreement. This agreement is not

a compromise between the two parties, and none of the parties has an incentive to adhere to its provisions. The main recommendation is as follows: to form two stages of transition from war to peace. The first is the transition phase, which includes inclusive power-sharing institutions. The second one is the stage that comes after the complete demilitarization of the region. These are the rules of the game, which include the institutions of constraining and dispersion power-sharing.

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¹ Ukraine: The Minsk agreements five years on. URL.: [https://www.europarl.europa.eu/RegData/etudes/ATA/G/2020/646203/EPRS_ATA\(2020\)646203_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATA/G/2020/646203/EPRS_ATA(2020)646203_EN.pdf)

² Minsk Agreement. URL.: <https://peacemaker.un.org/ukraine-minsk-implementation15>

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