

Power-sharing: A conflict resolution tool?

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I. Introduction

With the increase of negotiated settlements to civil wars in the past two decades, power-sharing arrangements have proliferated. In Africa, power-sharing is a prevalent tool of conflict resolution: Sudan's 2005 Comprehensive Peace Agreement, Liberia's 2003 Accra agreement, Burundi's 2001 agreement and the DRC's (Democratic Republic of Congo) 2003 Sun city agreement all contained elements of power-sharing. Power-sharing arrangements bring former belligerents into joint governments and guarantee them representation in the executive, the legislature, the army and/or the management of the country's wealth. Guarantees of inclusion are intended to reassure weaker parties that they will not be exploited or marginalized in the new political order and to give them an incentive to commit to the agreement (Rothchild, a, 1).

Pragmatists point out that power-sharing is a useful tool to convince all parties to sign peace agreements and to commit to joint state institutions and a common political process. Critics, however, emphasize that power-sharing freezes war-time power balances, prevents the evolution of the political process, and closes the door to new entrants to the political scene. The quintessential example of a power-sharing agreement is the Dayton agreement for Bosnia and Herzegovina, whose power-sharing institutions and the politics around them have hardly evolved in the past 11 years. The key debate, therefore, is between those who argue pragmatically for using power-sharing to win acceptance of a peace agreement by recalcitrant parties and those who warn that such compromises may impede the long-term transformation of war-torn societies.

This paper will briefly present the key characteristics of power-sharing arrangements and discuss the advantages and disadvantages of such mechanisms. It will argue that, indeed, power-sharing arrangements are often necessary for settlements to be reached. However, it will also argue that such arrangements should be transitional and that, during transitional periods, efforts should be made to expand political participation beyond the members of power-sharing

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governments. Thus, mediators need to be aware of the pitfalls of power-sharing agreements and, when possible, to consider ways in which agreements may encourage wider political participation during transitional periods.

II. Key Elements of Power-Sharing

What is power-sharing?

Power-sharing refers to political arrangements which guarantee the participation of representatives of all significant communal groups in political decision-making, and especially in the executive (Lijphart, 2004, 97), but also in the legislature, the judiciary, the police and the army. By dividing power among rival groups, power-sharing institutions reduce the danger that one party becomes dominant and threatens the security of others (Hartzell & Hoddie, 2003). In this manner, power-sharing seeks to shelter minorities from the effects of majority rule.

Power-sharing arrangements vary between those which specify the precise representation of groups in each state institution independent of elections and those which rely on indirect techniques, such as electoral rules, to ensure that political power is shared. Power-sharing agreements adopted in the context of peace agreements usually include a pre-agreed formula of group representation as well as rules on how and by whom decisions will be made. For example, the 1995 Dayton agreement for Bosnia and Herzegovina provided for a collective and rotating presidency with each of the three communities electing its own representative. Also, the two-year transitional constitution of the DRC agreed upon in April 2003 in Sun City provided that the president Joseph Kabila would retain his post and would be assisted by four vice-presidents representing different groups, each of whom would take charge of government commissions consisting of Ministers and Deputy Ministers (Rothchild, a, 4).

The discussion in this paper focuses on this type of fixed, formal power-sharing arrangements.

What are the key components of power-sharing?

There is a great variety of power-sharing institutions which divide power in the political, military and economic arenas. In the political arena, power-sharing may include elements of the following:

- proportional representation of all parties in the cabinet and legislature;
- decision-making by consensus and mutual group vetoes on contentious issues;
- proportional allocation of funds and positions;
- protection of the rights of minority groups.

In the military and economic arenas, power-sharing includes proportional representation in administrative and executive functions of the relevant institutions.

Not all agreements contain all forms of power-sharing. For example, in El

Salvador, the rebel group, the FMLN, asked for electoral reform allowing it to run for elections and to participate in the electoral authority. It also sought the reform of the state security forces to incorporate some FMLN troops. However, the peace accords did not include guarantees of representation in the executive or the legislature based on predetermined quotas for the FMLN, as for example in Lebanon or the DRC. The Ohrid Framework Agreement in Macedonia, on the other hand, provided for equitable representation of all communities in the public sector with specific provisions for representation in the police. However, similarly to El Salvador, the agreement did not provide for power-sharing in the cabinet or the parliament.

Power-sharing may be part of a larger deal which includes a federal arrangement or provisions for territorial autonomy. In Bosnia, for example, power-sharing in the executive of the central government is combined with federal institutions. Also, in Sudan, the 2005 Comprehensive Peace Agreement, defined in great detail how the centre and the South will share power at the central executive, while also establishing a federal system. Also, power-sharing agreements tend to include agreements in wealth sharing and the shared management of financial institutions. This paper, however, will focus at the sharing of power at the executive and the legislature.

Sharing Power in the Executive

Power-sharing in the executive may be achieved either by a pre-agreed formula which defines the representation of groups independent of electoral outcomes, or by a formula which defines representation based on the electoral success of political parties. Depending on the nature of the conflict and the mediation process, the relevant groups may be ethnic, religious and geographic groups or simply armed factions. Group representation in the executive requires concrete quotas for specified groups independent of their electoral success, while party representation requires groups to organize as political parties and win seats in the legislature in order to gain representation in the executive. The latter encourages a greater degree of accountability of the executive to the electorate.

Examples of guaranteed group representation in the executive include: a constitutional requirement that the executive be composed of equal numbers of the major groups (Belgium); and, the permanent assignment of the presidency to one group and the prime minister's post to another (Lebanon) (Lijphart, 1994, 99). In Burundi, in 2001, a three year, transitional power-sharing agreement was signed under which a Tutsi president and a Hutu vice-president would hold office in the first period and exchange roles in the second period. In the cabinet, 14 out of 26 portfolios went to Hutus.

On the other hand, South Africa and Northern Ireland offer examples of representation in the executive based on the electoral success of political parties. In South Africa, the 1994 elections were based on an agreement granting all parties with a minimum of 5% of the legislative seats the right to be represented in the cabinet. In Northern Ireland, the composition of the Assembly emerges

from elections and seats in the executive are distributed based on the parties' strength in the Assembly. As will be discussed below, in such cases, the legislatures are elected by electoral rules, which ensure the representation of minorities and small parties.

Sharing Power in the Legislature

The seats in the legislature may also be shared either through a pre-determined formula assigning a concrete number of seats to specific groups, or through carefully designed electoral laws which try to ensure wide representation in the Assembly.

As an example of the first practice, Burundi's 2001 transitional power-sharing agreement provided that 60% of seats in the National Assembly went to Hutu representatives. Also, in post-independence Zimbabwe, 20 out of 100 seats in the House of Assembly were reserved for whites elected on a separate voter roll prior to the general elections (this practice was ended by President Mugabe). On the other hand, Bosnia and Herzegovina uses a mixed system: the members of the upper House are selected on an ethnic basis (five each for Bosniaks, Croats and Serbs) by the Croat and Bosniak delegates to the House of People's of the Bosniak/Croat entity and by the National Assembly of the Republic Srpska. The members of the House of Representatives are elected as follows: two-thirds from the territory of the Bosniak/Croat entity and one-third from the territory of the Federation.

There is a wide agreement among scholars that an electoral system based on proportional representation (PR) as opposed to plurality and a parliamentary as opposed to presidential system are better suited for divided societies exiting conflict (Reynolds, 1995, 87). Such countries usually do not adopt first-past-the-post electoral systems, because these systems tend to exaggerate the strength of the larger parties and may exclude minority groups or small parties from representation. PR electoral systems were used in Namibia, Mozambique and Zimbabwe (for the common roll seats in the 1980 election) (Rothchild, b, 17). In South Africa's 1994 elections, the interim constitution guaranteed that all parties which received at least 0.2% of the vote would gain a seat in the Assembly. The PR system helped de Klerk's party win 6 of the 27 cabinet portfolios and the Zulu-based IPF 3 portfolios (Reynolds, 1995a, 90).

An alternative set of electoral systems offer political parties and candidates incentives to compromise with members of other groups in order to get elected. These systems try to promote conciliation by shaping the pre-electoral incentives of parties and voters (Horowitz, 2003, 8) hoping that such incentives will lead to the election of moderate leaders. The electoral systems in Lebanon and Nigeria attempt to influence the pre-electoral strategies of political parties. The Lebanese electoral system contained ethnically reserved seats and mixed lists, requiring parties to present ethnically mixed slates of candidates. In Nigeria, where groups are regionally concentrated, a presidential candidate must gain support from different regions in order to get elected, thus, attempting to diminish narrow parochial or regional appeals (Horowitz, 2003, 5; Reilly, 2002, 157).

III. Avoiding pitfalls – designing effective power-sharing arrangements

Power-sharing arrangements are common in agreements ending conflicts in Africa and are being proposed as elements of solutions in several on-going conflicts. Is this a good thing? What common problems arise in such mechanisms and are there steps that can be taken to avoid them? Drawing on examples from Africa and elsewhere, this section of the paper summarizes knowledge to date on these issues.

As a starting point, it should be stated that power-sharing arrangements are almost inevitably an element of peace agreements, especially in situations where conflict arises from minority ethnic, linguistic or religious grievances. At the end of civil wars, conflict parties often demand both territorial autonomy and guaranteed inclusion in state institutions, independent of the outcome of elections. The motivation behind such demands is the fear of being exploited in the future by the majority group or the winner of the elections. There is substantial evidence that power-sharing guarantees do indeed facilitate peace. Such guarantees allow each party to distinguish during the negotiations whether their opponents are serious about respecting interests other than their own (Walter, 1999, 142; Walter, 2002). Furthermore, some scholars argue that the more political, military and territorial power is disaggregated and shared, the more credible are the promises of all parties to commit to and to implement peace agreements.

Ahmedou Ould-Abdallah, the UN Secretary General's special envoy to Burundi in the mid-1990s wrote that "in times of crisis, the presence of a community's representatives within a government acts as some reassurance to that community that its vital interests will not be ignored" (Ould-Abdallah, 2000, 74). As a result, peace agreements often include the guaranteed distribution of key ministries and shared control over executive positions regardless of election outcomes. There are, of course, exceptions. In civil conflicts that are not fought along ethnic lines, as in the cases of Mozambique and El Salvador, security guarantees, including representation in the new army and police, were offered to the parties during the process of disarmament, but guaranteed power-sharing in political institutions was not established.

Importantly, research findings also point to the fact that power-sharing not only facilitates the signing of agreements, but also contributes to their longevity. Specifically, research has found that the more dimensions of power-sharing among former combatants specified in a peace agreements, the higher the likelihood that peace will endure (Hartzell and Hoddie, 2003). However, it is also true that very often power-sharing arrangements freeze the war-time realities and do not allow politics to evolve. They limit power in the hands of war-time elites and fail to create adequate political space for the expression of other interests. Furthermore, because power-sharing arrangements rely heavily on elites, they suffer from a continued lack of trust among their chief participants.

Therefore, although the ability of power-sharing institutions to balance power among groups is essential for reaching peace agreements, long-term peace depends on whether groups learn to transact with each other and whether they develop new rules of conflict management (Hartzell & Hoddie, 2003, 320). The rest of the paper examines the opportunities and impediments that power-sharing arrangements present to the durability of peace.

1. International supervision is vital for the implementation of power-sharing arrangements

Power-sharing institutions in the immediate post-agreement period are fragile and weak. Routine interaction and relationships among the parties are not yet established. New institutions can easily be captured by the stronger party. The participants of power-sharing arrangements share few, if any, common interests, have low expectations about their partners' reliability and are plagued by fears for their security. Therefore, while institutions are being built, the security guarantees offered by third parties are essential. The absence of such strong international guarantees in Rwanda in 1994 doomed a power-sharing agreement challenged by extremist factions.

Peace agreements that endure usually provide both for power-sharing among former combatants and for third party, international monitoring (Hartzell & Hoddie, 2003). Also, statistical evidence indicates that the presence or the potential for a third party presence reduces the risk of the collapse of the peace agreement during its first five years of implementation (Hartzell et al, 2001, 199). However, it should be noted that third parties are vital to the implementation of most negotiated settlements, not only power-sharing agreements. There is considerable evidence that negotiated settlements in general are unlikely to endure in the absence of a third party guarantor (Walter, 1999). Thus, the fragility of power-sharing agreements is not unique.

There is reason to believe that, through careful implementation and international assistance, power-sharing arrangements may facilitate the transition to a political process that relies on informal coalitions and electoral politics as opposed to rigid representation quotas and mutual vetoes. Over time, power-sharing institutions may grow roots and generate norms of trust and cooperation (Rothchild, b, 4; Sisk, 2003, 2).

2. The potential for political deadlock is significant

Advocates of power-sharing institutions argue that these institutions promote moderate behavior among contending groups by encouraging a positive-sum perception of politics (Hartzell & Hoddie, 2003, 318). However, although cooperative behavior may emerge in the long-term, power-sharing governments are likely to stagnate in the short- to medium-term. Power-sharing institutions are designed to make decision-making slow and consensus-based in order to reassure parties that they will be consulted on matters of importance. Given

divergent interests and effective veto powers by each party, power-sharing governments usually fail to embark on a serious process of reconstruction and reconciliation. Thus, the extensive guarantees power-sharing agreements offer to the parties reduce their incentives to compromise.

Importantly, leaders participating in power-sharing governments may be under pressure from extremist elements within their constituencies who oppose compromise and the sharing of power with opponents. Thus, power-sharing institutions may foster 'outbidding politics', where extremist politicians within a group make radical demands on moderate leaders of their own group who participate in the government. In such cases, reaching joint decisions is extremely difficult and leaders do not have strong incentives to move beyond the positions they held during peace talks. In the worst type of scenario, this dynamic can lead to the collapse of the agreement as the case of Rwanda after the Arusha agreement demonstrates.

Examples of deadlocked power-sharing governments abound. In Cambodia, the shared government between Hun Sen and Prince Sihanouk, which was created in 1993, was paralyzed by fighting between the two prime ministers and ultimately fell victim to a coup in 1997 (Walter, 1999, 143). Paralysis can also be observed in Bosnia and Herzegovina, where most of the decisions implementing the Dayton peace agreement and moving forward the country's economic development and reconstruction have been taken by the Office of the High Representative. Also, Liberia's power-sharing transitional government has been marred by corruption scandals and lack of progress in key issues. Observers argue that the leaders of armed factions blocked disarmament until they received more government jobs. Although the government had a two-year mandate to bring back basic services to the population, it spent several months debating the sharing of high-level posts within the state institutions (ICG, 2004).

Thus, power-sharing may work well in stable democracies when political elites are moderate and willing to compromise. However, this is unlikely in countries exiting civil conflict, where leaders are uncooperative and where majority group leaders are under pressure to not concede to minorities. In such cases, power-sharing arrangements may simply maintain the war-time balances of power. Thus, although power-sharing is a sensible transitional device, in the long-run a more fluid form of politics that allows for the creation of flexible coalitions that cross the war-time divides is preferable (Sisk, 2003, 4).

3. Power-sharing arrangements are often undemocratic

Power-sharing arrangements, by definition, share political powers among the leaders of the main parties to a conflict. Depending on how peace agreements were negotiated, these governments often fail to include important social actors who did not participate militarily in the conflict. They also may lack grassroots support, if they are seen by the population as an effort by elites to share the spoils as opposed to move the country toward reconstruction and reconciliation.

Finally, because elites are guaranteed representation in power-sharing institutions, they are not accountable to their communities and constituencies.

The above is aptly demonstrated in the case of the National Transitional Government of Liberia (NTGL) which was inaugurated in October 2003. One rebel politician summarized the character of the NTGL as follows: “this is an administration for warring factions. They control the government. People need to accept this reality. Civilians have no role in the cabinet, they are virtually voiceless” (ICG, 2004, 13). Furthermore, due to the lack of accountability mechanisms during the transitional period and as discussed earlier, the members of the NTGL devoted more attention to the division of the spoils of the state as opposed to making and implementing public policies.

Also, in Somalia, most of the national reconciliation conferences convened since 1991 focused on hammering out power-sharing agreements for transitional central governments. In some of the conferences the agenda was reduced to allocation of cabinet positions by clans and factions in typical sharing-the-spoils exercises (Menkhaus, 20007).

However, it is important to remember that, in the short- to medium-run, the drawbacks of power-sharing agreements may be outweighed by their potential benefits. Power-sharing does reward those who engaged in violence during the conflict, but by allowing them to enter parliament and the political system it contributes to their cooptation by the system (Reynolds, 1995a, 90). For example, supporters of Dayton’s power-sharing institutions note that, despite the extremely slow progress in Bosnia, the institutions contributed significantly to the country’s transition from war to non-violent politics: by participating in the elections for the various positions of the Dayton architecture, political leaders signaled acceptance of the institutions and began interacting with each other in a common political process (Bose, 2005). Also, by bringing all parties to a grand coalition and a common political process, power-sharing institutions create possibilities for relationship-building among former adversaries (Rothchild, a, 25).

Importantly, and as will be discussed below, power-sharing may be accompanied by other forms of wider political participation during the transitional period in order to compensate for its elite character. For example, public awareness campaigns and public participation efforts may take place at different points of the transitional process in order to slowly expand political participation beyond the usual suspects. In Afghanistan, for example, the Interim Government, which was appointed by the Bonn Agreement in 2001, divided power among the most powerful elites with the exception of the Taliban. This government was succeeded by another power-sharing government in 2002, the Transitional Government, which was partly selected by a large gathering of hundreds of people, the Loya Jirga. Also, the country’s constitution was drafted in the context of a wide public participation effort. Although these were imperfect public participation efforts marred by intimidation and manipulation, they did provide a corrective to the elite-based power-sharing formula.

4. Power-sharing arrangements should be transitional

There are those who argue that peace agreements should clearly define the constitutional design of post-conflict states. An example of a comprehensive peace agreement is the 1995 Dayton agreement for Bosnia and Herzegovina, which included the constitution still governing the country. Others, however, argue that defining in detail the state's institutions at the moment of signing a peace agreement is misguided: negotiations to end a war and the institutionalization of peace are very different tasks. As Manuel Tome, the secretary-general of Mozambique's ruling party (Frelimo) said: "the peace accord was a means to an end, and not an end [in] itself. It was an exceptional regime for a predetermined length of time, after which we return to the full norms of the constitution (Rothchild, b, 9)." Therefore, this argument goes, short-term needs should not influence society's long-term development.

The practice of peacemaking has offered two alternatives to the detailed, comprehensive peace agreements such as Dayton.

First, agreements may define the way the country will be governed during a brief interim period and the way in which competing groups will share power during that period. They may also define the process through which political actors will decide the permanent constitution. Such agreements do not define the permanent constitution of the country: they guarantee to the major factions participation in the interim period, but they do not guarantee a share of power in the permanent state institutions. An example of such an agreement is Afghanistan's Bonn Agreement of December 2001, which defined the country's three year transitional process, but not its final constitution. South Africa offers a similar example albeit for a longer interim period. South Africa adopted in 1993 an interim constitution, which provided for governing the country through power-sharing between the incumbent government and the opposition. The agreement was to expire within five years and indeed it was eventually replaced by a majority-rule democracy.

A **second** alternative is offered by the cases of South Sudan and Bougainville, both of which were given in 2005 and 2001 respectively lengthy transitional periods before deciding whether to remain within Sudan and Papua New Guinea (PNG). In the interim period of six and eleven years respectively, South Sudan and Bougainville are given significant autonomy within the borders of Sudan and PNG as well as a stake in the national governments. Critics of these arrangements argue that they are bound to lead to secession and to prevent the strengthening of regional institutions due to the absence long-term constitutional clarity. In the cases of South Sudan and Bougainville it is too soon to tell. However, some have argued that the ambiguity of Kosovo's status since 1999 has prevented the strengthening of its institutions and is at least partly at fault for the province's low performance in the areas of rule of law and good governance.

Given the fact that power-sharing arrangements frequently lead to deadlock and given their largely undemocratic nature, the option of their being transitional

and eventually leading to a political process relying on norms of trust and cooperation is preferable to them being enshrined in long-term constitutions. By including long-term constitutional arrangements in agreements, the opportunity is missed to lengthen the dialogue among elites and to expand political participation beyond the elites at the negotiating table.

5. Transitional periods should create space for the continuation of talks and for the emergence of new political actors

As discussed earlier, power-sharing arrangements tend to privilege the leaders of armed factions and exclude political actors who did not participate in armed violence. Mediators, therefore, need to consider ways in which agreements may encourage the evolution of power-sharing arrangements to more integrated forms of representation (Sisk, 2003, 2). A transitional process leading to elections and new constitutions should ideally create political space for debate to take place outside the power-sharing arrangements in order to facilitate the emergence of new leaders and the strengthening of civil society. An expanded political process may gradually weaken the influence of war-time leaders and offer the opportunity for alternative voices to emerge.

Participation can be expanded at the elite-level beyond the signatories of agreements, but also to society in general. At the elite-level, consultative mechanisms inclusive of a wide range of political leaders may be incorporated at several stages of transitional periods: the drafting of electoral laws, the administering of elections, the vetting of state institutions from persons who committed crimes under the previous regimes, the reform of public administration, and the drafting of constitutions. Such consultative mechanisms serve as arenas where elites continue talking. They also allow all sides to assess whether the new order will protect their interests and whether agreements will be implemented.

Gradually, public participation in the context of national dialogue efforts or constitution-making processes may open politics even more and prepare societies for electoral politics. For example, there is an abundance of evidence that lengthy and participatory constitution-making processes lead to durable and legitimate constitutions (USIP, forthcoming). In South Africa, once the basic principles of the constitution were agreed upon in late 1993 and 1994, the deliberations of the elected Constituent Assembly were opened up to extensive public participation in 1994-96. Public participation included several components: publication and media broadcasts of all constitutional debates, consultation by each of the parties at the village level, radio broadcasts educating the public on the constitutional process, and 2 million submissions from the general population. As a result, the constitution enjoys a high degree of legitimacy. Similarly, in Namibia, there was intense and long-term public participation in the constitution-making process both before and during the work of the Constituent Assembly elected in 1989. The public was well

informed about constitutional issues through the election campaigns of political parties. Also, the well-developed radio system contributed to the public's education on the key issues.

Although power-sharing agreements usually succeed in keeping the war parties engaged in the peace process, they contribute little toward a political transition unless they open up to a wider range of political actors. Therefore, mediators should consider agreements which define the expiration day of power-sharing arrangements and which during the transitional period mandate the gradual expansion of political participation beyond the signatories of agreements.

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