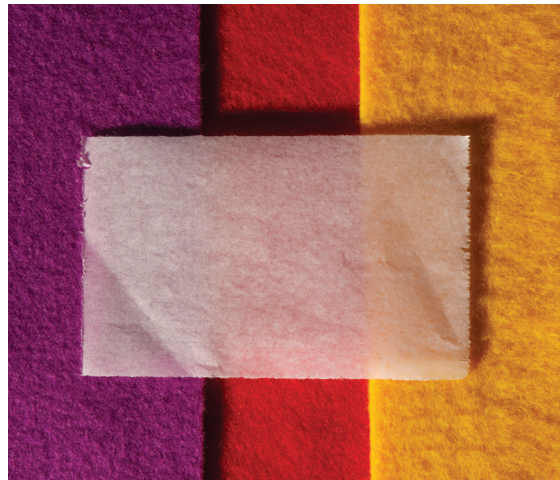




PA-X REPORT: POWER-SHARING SERIES



Political Power-sharing and Inclusion: Peace and Transition Processes

Christine Bell



This research draws on the PA-X Peace Agreement Database (www.peaceagreements.org), a database of all peace agreements at any stage of the peace process from 1990 to 2016. The database is fully searchable and supports both qualitative and quantitative examination of peace agreements.

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Executive Summary

The term power-sharing covers a wide variety of political arrangements for sharing power. It can be difficult to state a coherent definition of the term 'power-sharing', as it can be used broadly to cover a range of different political, territorial and military divisions of power. The report sets out political power-sharing options, rather than an overall definition.

Political power-sharing arrangements provide important security guarantees for state and opposition parties or rebel groups, by offering them a place in government. These guarantees are useful to ending conflict, however, they are often criticized for:

- ▶ Rewarding violence
- ▶ Entrenching the divisions at the heart of the conflict by translating it into new political institutions
- ▶ Focusing on an elite pact, to the exclusion of any social contract

This report sets out how peace negotiations and peace agreements formalize political power-sharing arrangements, using data from the PA-X database (www.peaceagreements.org). In particular, it aims to consider the tensions between the inclusion of political and military elites in the new dispensation and broader projects of social inclusion, including for example women and 'non-aligned' minorities. The report addresses the key tension between the 'elite pact' of the peace process captured in a political power-sharing arrangement necessary to short-term stability, and the ambition that it evolves to comprise a broader, more inclusive social contract, capable of sustaining peace and preventing conflict in the long term.

The research report forms one of a series of PA-X reports on power-sharing in peace processes, drawing on the data of the PA-X Peace Agreements Database (www.peaceagreements.org). Alongside this report, the series addresses economic power-sharing, territorial power-sharing, and military power-sharing. See also the PA-X Gender Report series on territorial and political power-sharing, which draws out implications for women.

Key Findings

A review of all peace agreements in intrastate conflict between 1990 and 2016 illustrates that power-sharing is used in peace processes to three quite different ends.

Power-sharing focused on accommodating identity-groups at the heart of conflict.

- ▶ **At a national level to address nation-wide conflict:**
in these arrangements, power-sharing is used to provide for indefinite group accommodation of the main ethno-national groups at the heart of the conflict. Examples include Bosnia Herzegovina and Burundi.
- ▶ **At a sub-national level to address a sub-state conflict:**
these arrangements involve political power-sharing related to sub-national or localized devolution of power as a territorial power-sharing attempt. Examples include Northern Ireland, but also conflicts with indigenous groups in India and Bangladesh.

- ▶ **Transitional interim power-sharing focused on moving from conflict and authoritarianism towards democratic modes of government:**
this form of power-sharing is between state actors and rebel/opposition groups, to establish an interim transitional governance arrangement. Examples include Sierra Leone and South Sudan.

Each type of power-sharing creates a different form of elite pact, with different implicit theories of change, and different challenges for inclusion.

- ▶ **Power-sharing brings contenders for power who have been at the heart of the conflict into joint forms of government:**
often power-sharing aims at a form of group political equality which will not be delivered by majoritarian elections which deliver 'winner-takes-all' solutions. These arrangements are often creative and quite different in different contexts. However, they also often prove difficult to move on from, and in their operation they can exclude other actors and voices in ways that need to be thought through and addressed.

Recommendations

Peace agreements illustrate the tension between the power-sharing arrangement and any broader social contract. Political power-sharing arrangements can be very effective in reducing and eliminating conflict violence. However, they are also often complex and find difficulties in evolving to produce self-renewing political systems in which power is restrained and can change hands peacefully and without forms of mediation.

Power-sharing arrangements require long-term approaches to supporting implementation of a peace agreement.

The central challenge is to ensure that the power-sharing arrangements do not operate only as an 'elite pact' but have capacity to evolve to a more inclusive social contract. However, peace processes involve incremental and non-linear journeys from conflict to peace, and political power-sharing often is very difficult to move from, even when it is not working effectively. The reasons of lack of trust and the need for political accommodation in divided societies, means that forms of shared power are necessary even when they do not work well due to lack of trust.

Those concerned to support both inclusion of the main groups at the heart of the conflict, and capacity for a broader self-sustaining social contract can:

- ▶ Usefully analyse the inclusion dynamics of the power-sharing arrangement by considering the function that the power-sharing arrangement has in creating a new political settlement. To influence the inclusiveness of a power-sharing arrangement, it is important to consider not just the technical issues of power-sharing design, but the role that power-sharing is contemplated to play in resolving the conflict. What is the conflict-resolution function that the power-sharing is intended to provide? What form of inclusion in what sort of state reform project does it offer? What other challenges of exclusion might this inclusion create or sustain?

- ▶ Support power-sharing arrangements which aim to deliver political equality to ethno-national groups, as medium to long-term arrangements which cannot be moved from until there are clear alternatives for ensuring political equality of groups in political decision-making.

If the power-sharing arrangements are intended to guarantee some form of political equality to marginalized groups, they may need to be supported as an indefinite arrangement rather than constantly placed under pressure to dismantle. Any pressure for reform of power-sharing arrangements needs to be accompanied by realistic alternative mechanisms for ensuring political equality between groups, if group identities remain politically salient, to have a chance of success.

- ▶ Where the power-sharing arrangement is explicitly time-limited and focused on enabling a transition to democracy, to understand the need for the ongoing buy-in of the parties to the conflict, to the reform process and manage civic expectations of democratic reform accordingly.

Where power-sharing is focused on bringing armed actors into an interim transitional arrangement, these actors need to retain some hope of having access to power post-transition if they are to be incentivised to 'complete' the transition. If the interim transitional arrangement has required political power-sharing, it will be necessary to consider how the ideologies and interests that have propelled that arrangement will be accommodated in any, more permanent settlement. Straightforward majoritarian democracy is unlikely to achieve the types of political accommodation necessary to sustaining peace.

- ▶ Support the evolution of power-sharing arrangements, by understanding power-sharing as a dynamic institutional form, capable of change over time.

Supporting power-sharing arrangements focused on political equality can be accompanied by projects which seek to re-shape identity claims and ideological divisions over time, in the hope of moving from the more rigid aspects of the power-sharing arrangements.

- ▶ Use lessons-learned from past power-sharing outcomes, to support the innovation of better peace agreement power-sharing design with respect to social inclusion.

Risks as to entrenching group identities can be mitigated by power-sharing design 'tweaks'. These often appear to involve technical fine-detail, but may be crucial in maintaining an open texture to the power-sharing arrangements, or mitigating their effects on those who do not identify in terms of the main group identities. These tweaks include: how groups are named in the power-sharing arrangements, and whether fixed or flexible terms are used; whether there is a human rights component to the arrangements; and whether other minorities are also protected by the arrangements.

- ▶ Take human rights measures seriously as an important safeguard to power-sharing bargains.

Robust individual rights protections can be very important to mitigating group-based politics. They are often pushed by local actors as an integral part of the political power-sharing arrangements, rather than an abstract commitment to international norms and rule of law. International actors tend to support inclusion of human rights provisions and mechanisms in peace agreements, because they are committed to them as democratic norms. However, implementation of the agreement often prioritizes measures aimed at sustaining a fragile 'political deal' between elite actors, without paying attention to the implementation of human rights protections. Here international supporters of peace process often fail to understand that human rights measures are not just 'liberal peace' add-ons, but practical tools for balancing the power-sharing arrangement. A more political understanding of the role of human rights in building wider social legitimacy for the peace agreement, and enabling civil society to challenge elements of the political culture which perpetuate conflict, is important to achieving outcomes that are more inclusive.

Part I: An Overview of Political Power-sharing and its Controversies of Inclusion

Peace negotiations and peace agreements often respond to competition over power and territory, by providing a new 'power-map' for how power is to be held and exercised. Centrally, this power-map aims to include political-military elites who were central to the conflict, in new or revised political institutions. Conflict resolution processes in intra-state conflict from 1990 to the present have overwhelmingly attempted to institutionalize compromises between contenders for power in the form of power-sharing. These arrangements centrally focus on how to share or split power between the political and military groups at the heart of the conflict in search of a compromise that will end violent conflict. Arrangements for sharing or splitting power can include (see further Hartzell & Hoddie, 2003, 2007):

- ▶ Political power-sharing: mechanisms for joint involvement of key protagonists of conflict in political institutions
- ▶ Territorial power-sharing: ways of using territorial sub-division of the state to split power between different groups
- ▶ Economic power-sharing: arrangements which split resources between groups
- ▶ Military power-sharing: arrangements of joint participation in armies and their leaderships

The power-sharing arrangements found in peace agreements often contain a mix of some, or all, of these power-sharing types. The arrangements are complex and multi-layered, and can even include international actors in 'domestic' institutional structures. Power-sharing arrangements emerge as intricate negotiated responses to battlefield balances of power, rather than through exercises in design of good governance arrangements (Wolff, 2011).

However, tensions often persist between the power-sharing aimed at the inclusion of political and military elites in the new dispensation and broader projects of social inclusion, including for example women and 'non-aligned' minorities. We examine how these tensions can be addressed by anticipating and providing for them in peace agreement design, and in implementation mechanisms. We view the dilemma as a tension between the peace agreement as providing for an 'elite pact' as necessary to short-term stability, and the more 'constitutional' ambition of peace agreements to provide a broader, more inclusive social contract, capable of sustaining peace and preventing conflict in the long term.

What is political power-sharing?

The term power-sharing covers a wide variety of political arrangements for sharing power. While the focus of this report is on political power-sharing, it is useful to set out here the broader set of power-sharing arrangements that are often part of an overall peace agreement package. It can be difficult to state a coherent definition of the term 'power-sharing' because it can be used broadly to cover a range of different political, territorial and military divisions of power.

At its most basic level, the term attaches to political arrangements that aim to produce joint government between groups, and the label attaches to attempts to move beyond straightforward majoritarian governments towards some form of group accommodation. A full discussion of how the label can most sensibly be used is beyond the scope of this article, as a rich and extensive literature attests. However, it is possible to outline the types of arrangement most clearly attracting the label 'political power-sharing'.

'Classical' political power-sharing ('consociationalism')

Political power-sharing is often understood as having four classic elements (Lijphart 1977; cf O'Leary 2005):

- ▶ Coalition government (with parties from different segments of society in coalition in executives)
- ▶ Proportionality in the voting system and legislative balance; proportional group representation throughout the public sector
- ▶ Minority veto
- ▶ Segmental group autonomy (conceptual or territorial)

Known in academic literature rather unhelpfully as 'consociationalism', this type of political power-sharing has engendered much debate and discussion, critically with respect to debates about inclusion, in three areas (O'Leary 2005, provides a good overview of these debates).

Fair and democratic?

First, debate has centred on whether these arrangements are fair. Do they contravene concepts of liberal democracy in entrenching group identities at the cost of individual rights - including the rights of women? Or are they in fact a form of 'principled realism' which recognize the salience of group identities and power in driving conflict? To what extent are they anti-democratic because they incorporate group rights and interests, and to what extent do they attempt to construct legitimate and democratic structures capable of accommodating groups with different identities, ideologies and interests?

Effective or inefficient?

Second, debate has centred on whether consociational mechanisms are effective. Do they create workable arrangements which can operate effectively? Or are they more susceptible to clientelism, patronage and corruption, than other forms of government? Do they make ethnic conflicts better or worse? Do they enable group identities to be managed and transcended, or do they instead reinforce and solidify them?

Malleable or with necessary fixed content?

Third, debate has centred on what attributes of the classic conception of consociations are really essential to the concept, and to what extent they can be modified to address some of the main criticisms. Are grand coalitions necessary, or can power-sharing use other forms of executive power-sharing? Can liberal forms of consociation (which leave some room for the rights of individuals and non-aligned groups) be fashioned, rather than 'corporate' ones which focus only on the key groups? Are there other ways to leave some room to other understandings of identity which might help ethnic and national identities to be re-defined and transformed?

Integrationism or Centrepetalism

Sometimes also framed as a form of political power-sharing is 'integrationism' or 'centrepetalism', associated with Horowitz (2000) and also developed and addressed by Sisk (1996) and Reilly (2001). This type of mechanism builds on the critique of consociationalism as institutionalizing group participation rooted in problematic conflict identities.

While retaining a focus on inter-group accommodation, integrationism attempts to design political institutions that avoid specifying forms of group participation in decision-making, in favour of mechanisms and policies aimed at encouraging voluntary cross-ethnic cooperation. These mechanisms and policies include inducements for inter-ethnic cooperation prior to election - such as electoral laws that effectively promote pre-election electoral coalitions through vote-pooling - or innovative forms of dispersing power territorially, or by placing political emphasis on cross-cutting cleavages and ensuring fair allocation of resources.

Complex power-sharing

While power-sharing can be analysed in terms of different models, in practice, power-sharing arrangements rarely sit squarely with the 'pure' typologies of political scientists. Contemporary settlements aimed at the sharing of power tend to involve 'complex power-sharing' which draws eclectically from the models above to fashion an almost infinite variety of power-sharing mechanisms (Weller & Wolff, 2011; Wolff 2011, 2011a).

To illustrate: some of Horowitz's integrationist devices can be found in conjunction with some of the elements of classical consociational power-sharing; territorial forms of self-government are overlaid with political power-sharing at the level of the central government; and political power-sharing is provided also at the levels of sub-unit governance.

Complicating complex power-sharing

Other key factors further complicate power-sharing.

Temporal variation in how long the arrangement is intended to last

Further complicating this already complex picture, are variations in how long political power-sharing arrangements are intended to last. The duration of the arrangements is often linked to their function. Classical political power-sharing, as we will examine further below, can be established as an indefinite mechanism of government designed to achieve group accommodation in pursuit of a form of political equality (e.g. Northern Ireland). It can be used as an explicitly short-term time-limited transitional mechanism (e.g. South Africa). It can also be a tool for international actors to fashion some sort of interim constitutional structure, to play a part in transitional governance and development of a new constitution (e.g. Iraq and Afghanistan). Or, it can be a time-limited way of managing a disputed election provision, perhaps coupled with a process of constitutional revision (e.g. Kenya and Zimbabwe). In each case the function of the power-sharing arrangement and its contemplated duration is different.

Non-political party domestic participants

Peace agreement provisions reveal the ways in which peace processes, in practice, layer in arrangements that are even more complicated. First, political power-sharing arrangements can include not just armed actors, or representatives of the main conflict groups, but also members of civil society organisations, women's representatives, and a range of people other than elected politicians. Sometimes there are even attempts to create civic forums as part of the new political institutions with some types of governance roles (Bell and O'Rourke, 2007).

International participants.

As already noted, in the contemporary peace process, power-sharing often involves also sharing power between domestic and international actors rather than just among domestic actors alone (Cf. O'Leary 2005, which argues that international dimension has been under-considered but focusing more on forms of bi-nationalism that accommodate external self-determination claims than international supervision). The example of Bosnia Herzegovina is illustrative of this. Here, an International Office of the High Representative was given authority to interpret and implement the agreement (and later substantial legislative power as well). Moreover, all major institutions - from the constitutional court, the human rights commission, to the central bank - were to have specified numbers of Bosniaks, Serbs, and Croats, but also of 'internationals'. This effectively internationalized what normally are domestic institutions.

These provisions internationalization of post-settlement domestic state institutions (hybridization) is a relatively common feature of complex power-sharing arrangements (Bell 2008, 175-195). From one point of view, the participation of international actors in state institutions can be understood as an extension of the mediation function of international organizations. These actors are often expected to be, in essence, ethnic reconcilers and perhaps also 'tutors' of good institutional practice, whose role is to underwrite and support fairness in local decision-making.

However, from another point of view, the participation of international actors in domestic state institutions means that they are part-and-parcel of the power-sharing arrangement, and in essence just another party with their own set of interests with whom power is to be shared (cf Oklopcic 2012). The role of international actors in 'domestic' governance positions has human rights and equality consequences. International actors in domestic governance roles can abuse power, and find themselves subject to human rights challenges from citizens within the state - for example, allegations of unlawful use of force, and sexual violence.

Staged and fluid power-sharing provision

A final way that power-sharing arrangements can vary is in how the transfer of power is to be staged. Power-sharing arrangements can see power devolved gradually, or 'shadow' governments set up, to which power is gradually transferred. This type of gradual transfer of power was set up in Northern Ireland. Before power was transferred to the power-sharing government which was established by the peace agreements, elections took place and a 'shadow' assembly and executive were established for nearly a year before the initial attempt to devolve actual power. This gradual devolution of power enabled all the procedural business of establishing a new political institution to take place, and it enabled ongoing negotiations over contentious issues in the peace process which could have destabilized the political institutions (although despite this it eventually did), and it enabled training and the building of trust.

Staging the devolution of power has also been important in international interim administrations, as a mechanism of 'handing power over' from international administrations in Iraq and Afghanistan and Kosovo, to the new power-sharing national government. Here new interim institutions are set up as 'advisory' with power gradually devolved to initially appointed members chosen to represent a cross-section of society, before elections and revision of the interim arrangements ideally into a more permanent set of institutions.

Part II: Peace Agreement Provision: The Roles of Power-sharing in Conflict Management and Resolution

Research on power-sharing has focused on the implications of power-sharing design for their impact on elite and social inclusion. However, this has operated without a clear overview of the types of power-sharing arrangements included in peace agreements. The analysis which follows is based on a review of all of the power-sharing arrangements in peace agreements signed between 1990 and 2016. Less than 1500 peace agreements, across all stages of the conflict resolution, process in >140 peace processes (PA-X www.peaceagreements.org).

One of the most striking matters revealed by the qualitative analysis of peace agreement provision for power-sharing is the quite different conflict resolution functions different forms of political power-sharing are intended to provide. As the term power-sharing is used in so many ways, it bears emphasis that here we are talking about political power-sharing using a broadly classical or 'consociational' model. The review reveals the quite different functions that power-sharing arrangements provide in different contexts.

We suggest that understanding the role that the power-sharing arrangement is to play in ending the conflict provides useful insight into important differences in the form of elite inclusion on offer, and its implications for broader social inclusion.

Three key functional types of political power-sharing arrangement can be observed in peace settlement terms:

- ▶ Indefinite Power-sharing focused on accommodating identity-groups:
 - a) at the heart of a nation-wide conflict as part of a new national political settlement
 - b) at the heart of a sub-state conflict as part of a new settlement between the central state and a sub-state group in conflict
- ▶ Transitional interim power-sharing focused on moving from conflict and authoritarianism towards democratic modes of government

Interestingly, these three types of power-sharing loosely correspond to different 'conflict types' that play out some regional conflict dynamics – although all the regions have outliers. Power-sharing for indefinite ethno-national accommodation is largely a product of European identity conflicts (Bosnia Herzegovina, Cyprus, Kosovo). Sub-state power-sharing can be found in all parts of the world, but its use to accommodate the claims of indigenous people is characteristic of conflicts with indigenous groups in Asia, but also in the very different contexts of Central and South America. Interim transitional power-sharing arises predominantly in Africa but also recently the Middle East, where it addresses complex political / ethno-national conflicts which are often both intra-state and transnational and respond to large scale conflict, forming the proposed trajectory of peace blueprints in Syria, Libya and Yemen.

We suggest that each of these three arrangements is driven by a different rationale for power-sharing and produces different forms of 'elite pact'. We further suggest that these three different types of power-sharing therefore present quite different challenges and opportunities for political inclusion beyond political and military elites at the heart of the conflict, as we now explore in more detail.

Power-sharing focused on accommodating identity-groups at the heart of a national conflict in a new political settlement

How does it work?

The first power-sharing type, focused on indefinite ethno-national group accommodation, involves some or all of the elements of 'classical' political power-sharing. These include giving both sides a proportional or agreed share of executive positions - ensuring proportional representation in any legislature - and proportionality throughout public institutions, providing for 'mutual vetoes' in areas of 'vital interest' and providing for forms of segmental autonomy over spheres such as culture, language or education. These arrangements are established as an indefinite mechanism of government designed to achieve group accommodation in pursuit of a form of political equality.

Elite Pact

In these agreements the contenders for power included in the power-sharing pact are not understood to simply be rebel groups who must be temporarily accommodated. They are understood to reflect and represent ethno-nationally divided groups whose divisions are at the heart of the conflict. Power-sharing is not just intended as a temporary device, but it is to offer political institutionalization that responds to arguments of illegitimate state capture and marginalization by a dominant group. Its mechanisms are not understood as a simple transitional mechanism but rather as necessary elements of a new political equality capable of responding to the ways in which group fears of domination on the grounds of identity have been a key grievance fuelling conflict. The elite pact at the heart of the power-sharing arrangement includes those in power as somehow representative of groups whose identity differences are at the heart of the conflict. Those in power may of course include involve key conflict protagonists such as the political and/or military leaders of key groups. However, even beyond the initial transition period these leaders will still be present due to elections, and the power-sharing arrangement is often translated into constitutional structures which translate the peace agreement into an interim or permanent constitutional structure.

Relationship to Conflict

This type of arrangement has been used in situations where the conflict is understood to be identity-based (usually ethno-national), and to have root causes in the attempts by one group to capture or 'own' the state and dominate and discriminate with respect to other groups. Group and often individual equality is therefore seen as critical to both ending the conflict, to reversing its root causes, and to creating a state which is committed to a concept of 'the public' that can embrace all the salient identities within it. Key examples of peace processes which have used this type of arrangement include Northern Ireland, Bosnia Herzegovina, Burundi, Lebanon, Macedonia, and the Comoros Islands (which involves complicated territorial and ethnic dynamics). Abortive attempts to reach settlement on this basis can also be found in Kosovo (The Rambouillet Accord, 23 February 1999), and in Cyprus (Annan V, 31 March 2004). In all these cases, the political power-sharing arrangements were understood to be indefinite rather than transitory and purely transitional. While several agreements pointed explicitly or implicitly to a future need for revision to move on from these arrangements, they all provided for power-sharing as the new political settlement rather than a mechanism for getting to it. Power-sharing was the centre-piece of the reform of the state, and the key mechanisms for providing a form of political equality for national majorities and minorities whose domination or marginalization had been central to the conflict. It was not merely a transitional mechanism to establish interim governance.

Implicit theory of change

These arrangements are arrived at as an exercise in conflict-resolution rather than one of 'good governance', in less than ideal circumstances. Their immediate purpose is simply to 'stop the war'. The implicit theory of change is that accommodating groups in the state's political institutions reduces incentives to violence because bringing contenders for power into joint government. In essence, power-sharing arrangements split power and so create the new political institutions as for an on-going conflict resolution between ethno-national groups at a slower pace. In this sense, power-sharing 'translates' the conflict into new political and legal structures rather than resolving it. The hope is that broader social processes will kick-in and build the elite pact into a broader social contract that may transform the identities and allegiances at the heart of the conflict at some unspecified point in the future.

This theory of change is an optimistic one and has proved difficult to achieve in practice. These arrangements have often succeeded in ending the immediate violent conflict, but they have less than ideal outcomes in terms of any broader social contract. In practice, the transposition of the conflict away from the battlefield into the fabric of the new shared political institutions tends to result in formalized political unsettlement, rather than a political settlement as such (Bell and Pospisil, 2017). This formalized political unsettlement is characterized by:

- ▶ Institutions which depend on ongoing brokerage and even international mediation to function
- ▶ Stalemating of government due to difficulty of dealing with radical disagreement
- ▶ A reified status for the ethno-national identities which appeared to be part of the problem in the first place

Effective strategies for inclusion?

These power-sharing arrangements as noted in Part I, while being inclusive of the main groups at the heart of the conflict, are often challenged as excluding other identities and groups, including women (see Ní Aoláin 2018). However, these arrangements are here to stay, and prove very resistant to change over time. What then are effective strategies for inclusion? Apparently technical detail can be very important to tilting the power-sharing arrangement in a more 'liberal' direction, and providing 'hooks' that enable social actors to force narrow power-sharing pacts open (see further UN 2017). Such detail includes:

Paying attention to the rigidity of how groups are defined and described, with the aim of helping to erase, rather than entrenching, the identity divisions which have fuelled conflict.

Where power-sharing arrangements are established in the form of rigid quotas for particular groups in executives and legislatures, it can be important to influence how the groups are described. Describing the groups in terms that are not purely identity-based can leave political space to provide for group identities to be re-shaped over time. In Northern Ireland for example, the terms 'unionist' and 'nationalist' were used to describe the groups at the heart of the power-sharing mechanism, rather than 'Protestant' or 'Catholic' – terms which are often regarded as largely synonymous (most unionists are Protestant and most nationalists, Catholic). The terms 'unionist and nationalist' however, are not inevitably tied to religious identity. By using these terms, the Peace Agreement left open the possibility of allegiances and identities shifting over time in ways which could render the arrangements less exclusive and more open to include the priorities of women and others who view their interests as not best protected within these 'blocks'. In Macedonia, the political power-sharing arrangements between the majority population and ethnic-Albanians were also framed in terms which avoided specifying for all time who was in the majority and who in the minority – see the careful wording of the mutual veto provision in the box below.

Macedonia, Framework Agreement (Ohrid Agreement), 31 May 2001

Annex A, Constitutional Amendments
Article 77

(1) The Assembly elects the Public Attorney by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Inserting more 'integrative mechanisms'

Sometimes measures which encourage voluntary cooperation between groups can be effective in enabling political equality, without requiring groups to be specifically provided for. While we have set out a distinction between 'consociationalism' and 'integrationism', in practice elements of both can be mixed. For example, in Burundi a political arrangement which specified numbers of Hutus and Tutsis in the executive and legislature, also included a requirement that political parties had joint-ethnic membership (see box below). This provision played a role in making ethnic identity less important politically, although the resulting political settlement still ran into difficulties for other reasons.

Seeking to include other groups in the power-sharing institutions

While in majoritarian systems there is debate over the legitimacy of quotas for women and minorities abroad, in political power-sharing arrangements everyone's participation in the political institutions is specified, and in a sense set out as a 'quota'. The centrality of quotas to power-sharing arrangements can assist women and non-dominant minorities to argue for quotas in executives and legislatures. Some agreements have made provision for quotas for one or both of these groups as part of the power-sharing arrangement, although these have often been difficult to implement in practice. To return to Burundi, the power-sharing arrangement focused mostly on group accommodation of Hutus and Tutsis also included some provision for Women and the Twa (a national minority) (see box below). For further information on the challenges of designing these types of quotas, see our more detailed report on Women and Power-sharing.

Burundi, Arusha Peace and Reconciliation Agreement for Burundi, 28 August 2000

Protocol II: Democracy and Good governance, Chapter II: TRANSITIONAL ARRANGEMENTS, Article 20, Elections:

...

20.8. The electoral system for the National Assembly shall be the system of blocked lists with proportional representation. The revised electoral code shall prescribe that lists be multi-ethnic in character and reflect gender representation. For each three names in sequence on a list, only two may belong to the same ethnic group, and for each five names at least one shall be a woman.

Accord de Partage de Pouvoir 6 August 2004,

Article 13

The National Assembly will be composed as follows: 60% of Assembly members will be Hutu, 40% of Assembly members will be Tutsi and 3 Assembly Members will be of the Twa ethnicity. A minimum of 30% of the Assembly members will be women.

Article 15

The Senate will be constituted on the basis of 50/50% representation between the Hutus and Tutsis, plus 3 senators of Twa ethnicity. A minimum of 30% of the senators will be women.

Amongst other powers, the Senate will be endowed with the authority to approve amendments to the Constitution and constitutional law, and to monitor compliance with constitutional provisions requiring ethnic, tribal, religious, cultural, regional and gender diversity and balance in all structures and institutions of the state.

What types of influence enable more liberal and open power-sharing arrangements?

From case studies the following factors appear to be important in ensuring more open power-sharing arrangements:

- ▶ Strong, resourced and informed civil society voices acting in coalition across different non-dominant identities, pushing for a more open arrangement
- ▶ Sympathetic and innovative mediators with a commitment to inclusion at the point of peace agreement negotiations
- ▶ Timely technical advice from elections and power-sharing experts, with capable 'local translators' with capacity to adapt advice to their particular context

Power-sharing focused on accommodating identity-groups at the heart of a new political settlement between a sub-state region and the central state, to address sub-state conflict

What is it?

These arrangements involve political power-sharing related to sub-national or localized devolution of power as a territorial power-sharing attempt (see the Gender and Territorial Power-sharing Report). Territorial power-sharing focuses on ending conflict by giving a minority group power at the sub-national level where they are a concentrated and even a majority.

Political power-sharing can be part of these primarily territorial solutions in two different ways. First, at the level of the central state's institutions, groups who govern the new territorial entities are sometimes also given a weighted form of participation through political power-sharing mechanisms at the level of the central state - for example through territorial-based representation in second chambers (South Africa, or Bosnia Herzegovina). Second, political power-sharing can be put in place as part of a sub-state solution to provide power-sharing at level of sub-state government, and to enable sub-state participation in the central state's political mechanisms.

Elite Pact

The nature of the elite pact in this type of power-sharing is similar to that of national level power-sharing as described above. However, sub-state power-sharing involves two different but simultaneous political settlement projects. The first is the political settlement at the national or central state level. The second, the political settlement at the sub-state level. Political power-sharing can be a mechanism for nuancing and balancing a territorial settlement which aims to create at once both a new national and a new sub-state political settlement (see further below).

Relationship to Conflict

It is important to understand with this type of power-sharing that it is the territorial autonomy that is often in and of itself the key strategy of inclusion for a marginalized group destined to always lose out in centralized national power structures and political decision-making. By devolving power to the sub-state entity, a marginalized group is enabled to self-govern at least in part, reducing the incentives for conflict. Territorial power-sharing is often a response to a secessionist claim (see further PA-X Territorial power-sharing report). The central state effectively trades devolution of power for stability. However, this arrangement can create a need for other forms of political power-sharing at the sub-state level, to nuance and balance the arrangements, and reduce the possibility of further conflict at the sub-state level.

Implicit theory of change

Territorial power-sharing agreements in the form of either autonomous regimes, or localized self-government structures, typically attempt to end the conflict through providing for forms of self-government. They aim to alleviate the impact of an ethnically majority-dominated central government on geographically concentrated national minorities or indigenous peoples, by providing for a measure of self-rule.

While the primary focus is on territorial power-sharing, typically however these arrangements also have elements of political power-sharing specified at two levels:

► At the national level

Some element of political power-sharing may aim to weight the sub-state minority at the central state level, as part of the overall recalibration of the relationship between the state and its periphery.

► **At sub-state level**

The power-sharing arrangements may be an important part of the new sub-state political settlement, within the sub-state entity. Power-sharing at the sub-state level often aims:

- **To further weight minorities at the sub-state level:** Where the groups seeking secession will remain a minority even at the sub-state level, weighted participation in the devolved institutions may help to further give them a say in their own government. For example, the peace agreement in Northern Ireland devolved power to that region, giving all the people a form of self-government, and also included power-sharing between the main groups, giving the (Catholic/Nationalist) minority capacity to participate on the basis of equality with the (Protestant/Unionist) majority.
- **To reassure members of the majority population who will become a 'new' local minority after a grant of autonomy or devolution of power:** Where the new devolution of power will 'leave behind' members of the national majority population who remain in the sub-state entity, now as a local minority, power-sharing arrangements can be provided to balance the new majority and minority communities and so reassure those communities who will now be a minority in the new devolved area (Bangladesh (Chittagong Hills Tract) (Agreement between the National Committee on Chittagong Hill Tracts Constituted by the Government and The Parbattya Chattagram Janasanghati Samity, 1997).
- **Where there are other deep divisions between groups at the sub-state level, sometimes created by the conflict itself, power-sharing can be used to accommodate them in a new autonomous or independent state:** Examples include Bougainville, where internal agreements provided an element of power-sharing.

Strategies for inclusion

Devolution of power may itself be a strategy intended to bring a form of inclusion to all those within the sub-state entity. Territorial power-sharing may seek to deliver a fairer deal both to the groups that predominate the area in question, and citizens in that area more generally (see further the Territorial Power-sharing report).

Therefore, the key strategy of inclusion may be first to make sure that the deal is implemented, and second, to make sure that political power-sharing is accompanied by strong financial and governance capacity to deliver development outcomes within areas that have typically been deprioritized during the conflict (see further the PA-X Economic power-sharing report). Yet, the power-sharing mechanisms will also shape how power is exercised, and peace and developmental outcomes will be very dependent on the ability of the political institutions to function.

Both the territorial and political power-sharing elements will have risks for women and non-dominant groups in terms of giving further power to the main identity blocks at the heart of the conflict. These can be mitigated in different ways. For example, the Bangladesh agreement, that includes the Hills Tract Regional and Local District Councils, makes provision for tribal government, and also provides for specified seats for 'non-tribals' and for women.

Bangladesh/Chittagong Hill Tracts, Agreement between the National Committee on Chittagong Hill Tracts Constituted by the Government and The Parbattya Chattagram Janasanghati Samity, 2 December 1997.

**B) (Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/
HILL DISTRICT COUNCIL:**

Article 4. a): There shall be 3 (three) seats for women in each of the Hill District Councils. One third (1/3) of these seats shall be for non-tribals.

C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL:

Article 3: The Council shall be formed with 22 (twenty-two) members including the Chairman. Two-thirds of the members shall be elected from among the tribals. The Council shall determine its procedure of functioning. Composition of the Council shall be as follows: Chairman 1 Members Tribal 12 Members Tribal (women) 2 Members non-tribal 6 Members non-tribal (women) 1 Among the tribal members 5 persons shall be elected from the Chakma tribe, 3 persons from the Marma tribe, 2 persons from the Tripura tribe, 1 person from the Murung and Tanchangya tribes and 1 person from the Lusai, Bawm, Pankho, Khumi, Chak and Khiyang tribes. Among the non-tribal members 2 persons shall be elected from each district. Among the tribal women members 1 woman shall be elected from the Chakma tribe and 1 woman from other tribes.

Article 4: Three seats shall be reserved for women in the Council, one-third of which will be non-tribal.

The inclusion of women, where it happens, is often due to the internal demands of minority or indigenous women's movements, which are perhaps met and supported at times by majority actors concerned that traditional cultures can also be discriminatory against women.

With sub-state political power-sharing it will also be important to ensure an open texture to the power-sharing arrangement and strong human rights protections at the devolved level, as set out above. There can be issues for international actors in trying to support strategies for inclusion at the sub-state level, due to the tendency of the international system to work with states. Yet, where a sub-state unit has obtained significant autonomy, state institutions are likely to be distrusted, unable or unwilling, as a mechanism of human rights compliance, treaty-monitoring, or delivery of development of aid.

Transitional interim power-sharing

What is it?

This form of power-sharing is between state actors and rebel groups, to establish an interim transitional governance arrangement. This arrangement is typically put in place to secure a ceasefire, ensure some form of temporary governance structure, and to manage a reform process that will (ideally) pave the way to elections and sometimes a new or revised constitutional structure. The conflicts may revolve around primarily political divisions over competing ideologies and interests, but sometimes have complicated relationships to identity-claims rooted in religion, ethnicity, tribal identities, and nationalisms.

Very different types of conflict and transition process produce interim power-sharing arrangement, few of which relate to identity conflicts:

- ▶ Revolutions, where a care-taker government may be put in place drawing on all sections of society, to oversee the transition.
- ▶ Democratic dead-lock power-sharing, where an incumbent challenges an election and the normal transfer of power does not take place, leading to negotiations and an agreed transition to new elections, such as in Kenya, and Zimbabwe in 2008.
- ▶ Post-conflict or post-coup power-sharing, where wholesale conflict or a coup against a government has destroyed any semblance of democracy, and the only way to stop the conflict and attempt to transition to a new democratic phase, is to bring all the contenders for power into some temporary joint government formation to govern and put in place a broader transition. Examples include Sierra Leone (peace agreements in 1996 and 2000).
- ▶ Post-interstate use of force. Where outside states and organizations use force, creating a change of regime, and then try to put together a new form of government. Often interim transitional power-sharing arrangements are put in place, which gradually are given more power over time, with a view to building towards elections and a constitutional reform process. Examples include Kosovo, Afghanistan and Iraq.

How does it work?

This manifestation of political power-sharing uses it as an explicitly transitional device aimed at the immediate stopping of violence, to create a broader political process capable of effecting a transition to democratic politics. The goal of these power-sharing arrangements is not permanent ethno-national accommodation, but rather to bridge between the conflict and a fuller political settlement process. These arrangements emerge in settings where negotiating people out of conflict is understood to be the only way to institute a democratic regime – and democracy rather than group accommodation is often understood as the primary conflict-ending goal.

Elite pact

This form of power-sharing arrangement aims to create a very direct 'pact' between those doing the fighting, who are included largely because they have power to destabilize, rather than any other form of electoral representation. In fact, elections may not have taken place for some time, or their outcome will have been contested. Here power-sharing arrangements have the central aim of establishing some form of transitional governance arrangement capable of providing some form of time-limited government, in which the possible shape of any new political settlement can be worked-out. The main function of this government, is to establish an agreed process to transit from conflict to elections and a revised constitutional order. The elite pact it establishes is a short-term, very direct 'pact'.

These power-sharing transitional governments are then responsible for guiding complex processes of demobilization and reintegration of combatants, return of displaced persons, preparation of elections and the negotiation of new constitutions. Typically, the transition processes established include a much wider range of civic actors (see for example, National Dialogue Process in Yemen). Critically, they must manage these issues not just as discrete issues, but as part of a larger more complex attempt to forge agreement as to some sort of broader political settlement as to how power is to be held and exercised that is unlikely to exist between the parties at the moment the arrangements are established.

Relationship to conflict

The power-sharing arrangement aims to pull those directly responsible for the conflict into some form of power-sharing executive, as a form of security-guarantee aimed at incentivizing them to commit to a ceasefire and demobilization, linked to an agreed transition process. The conflict is assumed to require a transition to democracy. Interim transitional power-sharing is also often instituted where at least one of the actors is viewed as illegitimate and an obstacle to democratic progress, with the transitional regime often understood by international mediators as an attempt to get this actor to exit from the political stage.

Implicit theory of change

The implicit theory of change of transitional governance power-sharing arrangements is that '[b]y dividing power among rival groups during the transition, power-sharing reduces the danger that one party will become dominant and threaten the security of others', during what is often contemplated to be a short transition (Papagianni, 2008). It is often a response to wholesale conflict and the difficulty of getting parties to the table to figure out a new political settlement. Interim transitions aim to put in place some sort of framework sufficient to sustaining a ceasefire and restoring some stability, to allow transitional processes to unfold and create a new political settlement.

The theory of change is therefore an incomplete one. It persuades the parties into joint government, but hopes that one of them will relinquish power if they lose elections. The approach is one of immediate conflict suspension that hopes, rather than provides, for the conditions to ensure that the transition completes and results in some sort of democratic constitutional form of state. More than a plan, it is often a hope; that halting the conflict and putting people into power-sharing structures (in which to continue to agree a revised political settlement) will somehow successfully wrest power from powerful military or dictatorial actors. This type of process is typically implemented without the parties being committed to a common goal of democracy or even compromise. Indeed, transitional administrations are put in place precisely because key conflict actors are unwilling to leave the conflict stage without a guaranteed slice of political power.

Effective strategies of inclusion

Transitional power-sharing requires quite different strategies of inclusion than the permanent group accommodation power-sharing of our first type. Often the power-sharing pact will be very focused on the inclusion of armed actors, while the transition processes to be established will have much more room for participation. However, a critical issue is how to keep the elite and civic processes tied together: a civic process producing strong plans for inclusive democratic government is unlikely to produce political agreement by the key power-holders if it does not already exist, or it not being forged at the same time.

Other strategies for inclusion

These include:

Considering wider representation in governments of national unity which would include actors beyond the main armed actors

Some transitional arrangements have included provision for inclusion of women, civic actors and others, to broaden out the central coalition from armed actors. This has happened in transitions established by interim international administrations. It can be more difficult to achieve in tense negotiations over whether groups will agree to a ceasefire. Inclusion of women and civic actors raises the question of how to choose who should be present, which can itself be difficult.

Pushing for broad representativeness of transition reform bodies

Given that the reform process established to operate during the transition will also require bodies to take them forward, these bodies can often be and are designed to reflect a broad range of social interests. Electoral reform bodies, truth commissions, constitutional reform bodies are all often designed with different forms of community balance in mind. Often there is much more space and political will for broad participation. However, more negatively, this can be because the conflict parties are not committed to adopting their recommendations. Papagianni (2008) has usefully talked about the need to understand the transitional period as an ongoing mediation period, and strategies are needed which aim to build bridges between the ongoing negotiations between the parties in the power-sharing arrangements, and the ongoing civic deliberation processes focused on reform.

Anticipating and dealing with the ongoing adaptation of the interim arrangements, and the new opportunities for inclusion and exclusion that result

Often, and even typically, interim transitions do not have any real agreement between the parties to the conflict as to where the transition is headed. While interim transitions often have timetables for reform and elections built into them, in practice these timetables often extend, and the transitional administration often unravels. Where it becomes clear that those in power in the transitional government will be unable to win the subsequent elections – whether held fairly or not – timelines will be extended to keep the key actors, who will often renege on the deal. New actors may take up arms to gain entry to the political process, and require new configurations of the interim arrangements. At each point there will be opportunities to press for inclusion that was not granted at an earlier stage, but also new risks. Such as, that processes that have been somewhat open will narrow down to containing one or two groups. Those wishing to see an inclusive process will need to adapt their strategies to the changing circumstances and opportunities.

Conclusion

Power-sharing is focused on including those groups most capable of destabilizing the political and social order through conflict, in the heart of government. However, it is also charged with institutionalizing a prioritization of these groups which excludes other groups and interests, to the detriment of any broader social contract.

Discussion of power-sharing's inclusions and exclusions tend to be conceptual and theoretical. The literature repeatedly highlights the same key examples of indefinite ethno-national accommodation. Quantitative studies on power-sharing in contrast, have tended to focus on power-sharing arrangements as if they were all the same thing, without considering whether different functions for the power-sharing arrangement, and different contemplated durations mean that different theories of change should apply. This report has demonstrated how power-sharing is intended to play different inclusion roles in different contexts, with different consequences for how any elite pact as to inclusion will shape the possibilities for a broader, more inclusive social contract.

The analysis of peace agreements from the PA-X peace agreement data usefully sheds light on three quite different functions and forms of power-sharing. This analysis suggests that they have different theories of change, different entry points and different possibilities for whether they can broaden from an elite 'deal' or pact, to a more stable form of social contract. As conflict agendas focused on sustaining peace become a central international focus (UN World Bank 2018), understanding the implications of tensions between elite inclusion and broader social inclusion remains vital to sustaining and building peace settlements.

Agreements Referred to in Text

Annan Plan for Cyprus Settlement (Annan V), 31 March 2004. Available from: http://www.hri.org/docs/annan/Annan_Plan_Text.html

Bangladesh/ Chittagong Hill Tracts, Agreement between the National Committee on Chittagong Hill Tracts Constituted by the Government and The Parbattya Chattagram Janasanghati Samity, 2 December 1997.

Burundi, Arusha Peace and Reconciliation Agreement for Burundi, 28 August 2000.
Kosovo/Serbia/Yugoslavia (former), Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accord), 23 February 1999.

Macedonia/Yugoslavia (former), Framework Agreement (The Ohrid Agreement), 13 August 2001.

Resources

2018. Special Issue on Power-Sharing Pacts and the Women, Peace, and Security Agenda, Nationalism and Ethnic Politics [online], Vol 24 (1). Available from: <https://www.tandfonline.com/toc/fnep20/24/1?nav=toClist> [Accessed 22 June 2018].

Peace Agreements

For full text of peace agreements cited from which data in this report is drawn, and searchable provisions on territorial power-sharing see: PA-X Peace Agreements Database, University of Edinburgh (www.peaceagreements.org). This database is a repository of peace agreements from 1990 to date, current until 1 January 2016. It contains over 1500 agreements from over 140 processes with coding provisions for 225 substantive categories.

For peace agreement texts with search functions see further:

- ▶ [Language of Peace, University of Cambridge](https://www.languageofpeace.org/#/)
(<https://www.languageofpeace.org/#/>)
This tool provides access to over 1000 agreements for mediators and drafters to be able to compare and collate language on key issues.
- ▶ [Peace Agreements Digital Collection, United States Institute for Peace](https://www.usip.org/publications/2009/04/peace-agreements-digital-collection)
(<https://www.usip.org/publications/2009/04/peace-agreements-digital-collection>)
This collection strives to contain the full-text agreements signed by the major contending parties ending inter and intra-state conflicts worldwide since 1989. It was last updated in 2009.
- ▶ [Peacemaker, United Nations](http://peacemaker.un.org/)
(<http://peacemaker.un.org/>)
Peacemaker maintains a comprehensive database of agreement texts, and it serves as an online mediation support tool.

Other Relevant Resources

National Dialogues Research Project, Institute for Inclusive Peace and Transitions,
<http://www.inclusivepeace.org/content/national-dialogues-research>

International IDEA, Gender Quota Database, <http://www.idea.int/data-tools/data/gender-quotas/quotas>

Global Gender Quality Constitutional Database, <http://constitutions.unwomen.org/en>

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The Political Settlements Research Programme (PSRP) is centrally concerned with how political settlements can be made both more stable, and more inclusive of those affected by them beyond political elites. In particular, the programme examines the relationship between stability and inclusion, sometimes understood as a relationship between peace-making and justice.

The programme is addressing three broad research questions relating to political settlements:

1. How do different types of political settlements emerge, and what are the actors, institutions, resources, and practices that shape them?
2. How can political settlements be improved by internally-driven initiatives, including the impact of gender-inclusive processes and the rule of law institutions?
3. How, and with what interventions, can external actors change political settlements?

The Global Justice Academy at The University of Edinburgh is the lead organisation. PSRP partners include: Conciliation Resources (CR), The Institute for Security Studies (ISS), The Rift Valley Institute (RVI), and the Transitional Justice Institute (TJI, Ulster University).

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