Power-sharing after Civil Wars: Matching Problems to Solutions

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If and when the antagonists waging today's wars grow weary of violence and seek peace, they often end up at the negotiating table trying to craft political settlements that define the terms sharing power. Recent evidence suggests that contemporary wars — most of which are internal, and most of those are fought in the name of ethnicity or religion — are much more likely to end at the peace table than on the battlefield. Peter Wallensteen and Margareta Sollenberg — scholars who track such trends — report that of the 108 conflicts since 1989, 75 had ended by 1998. 'Of these,' they write, '21 were ended by peace agreements, whereas 24 ended in victory for one of the sides and 30 had other outcomes (ceasefire agreements or activity below the level for inclusion). Many new peace agreements were signed in the middle and late parts of the period, particularly 1995–96.' In sum, today some 50 per cent of wars end at the peace table, a dramatic increase over the broad historical average of only about 15 per cent.1

Ostensibly, power-sharing solutions are designed to marry principles of democracy with the need for conflict management in deeply divided societies. Power-sharing involves a wide array of political arrangements — usually embodied in constitutional terms — in which the principal elements of society are guaranteed a place, and influence, in governance. From South Africa to Sri Lanka, from Bosnia to Burundi, from Cambodia to Congo, it is difficult to envisage a post-war political settlement that does not, or would need to, include guarantees to all the major antagonists that they will be assured some permanent political representation, decision-making power and often autonomous territory in the post-war peace. Indeed, the gist of international mediation in such conflicts is to encourage parties to adopt power-sharing in exchange for waging war. Why would parties to such wars concede at the bargaining table — or in post-war elections — what they had not lost on the battlefield?

The problem is that, as described below, power-sharing systems are sometimes prone to failure. If power-sharing is necessary, but unlikely to endure, how can sustainable peace be built in post-war situations? This chapter assesses recent experience with power-sharing as a means of living together after deadly ethnic conflict. It describes how new political institutions are a critical element of negotiated settlements, it offers a typology of power-sharing models, and it includes examples of various approaches in practice. The chapter critically evaluates the common proposition that power-sharing is a long-term solution to ethnically based wars that do not result in separation. While power-sharing may be desirable, and necessary, as an immediate exit to deadly ethnic wars, power-sharing is not a viable long-term solution to managing uncertainty in ethnically divided societies.

Settlements are attractive for all parties when they contain the likelihood of greater benefits for parties than they would achieve by abrogating negotiations and returning to the battlefield. Successful settlements are a formula of positive-sum gain for all parties. Many suggest that it is the genius of the April 1998 Good Friday Agreement in Northern Ireland that all parties could defend the agreement as containing the elements of what they had fought for all along. Moderate republicans could claim that the agreement represents the first step towards accession to Ireland; moderate loyalists could claim that the agreement preserves British sovereignty.12 These elements of power-sharing help us understand the key components of such agreements. In sum, negotiated settlements that create power-sharing institutions:

- Create political institutions that are broadly inclusive of all major mobilized groups in society, and decisions are made through negotiating, issue trading and the search for consensus or near-consensus decision-making.
- The key elements of power-sharing institutions are: (1) inclusion of all major mobilized actors; (2) influence in decision-making, not just representation in governing institutions; (3) moderation, and the search for common ground; and (4) ongoing bargaining or negotiation within the new rules of the game that the peace agreement has established.

Options for settling ethnic conflicts

A long-standing misconception of power-sharing institutions is that they are all of a specific type, which for many years has been called 'consociationalism.'13 The elements of this approach to power-sharing are well known: grand coalitions, proportional representation, cultural autonomy or federalism, and the mutual veto. Yet this prototype of power-sharing is but one of what is in fact a very broad range of political options for settling ethnic conflicts, the gist of which can be exceptionally different in terms of aims, structures and effects on promoting inter-group moderation and compromise.14 What are the principal options for sharing power?15

Autonomy

For many conflicts today, such as Azerbaijan (Karabagh), Sudan or Sri Lanka, autonomy is often seen as a reasonable way to balance the claims of states for territorial integrity and the claims of rebel forces for secession. Autonomy, as eminent scholar Yash Ghai suggests, is not a term on which there is a consensus...
definition. Nonetheless, his best effort at one is useful: ‘Autonomy is a device to allow an ethnic group or other groups claiming a distinct identity to exercise direct control over important affairs of concern to them while allowing the larger entity to exercise those powers which are the common interests of both sections.’ Among the forms of autonomy include symmetrical federalism in which all units enjoy similar powers, and asymmetrical federalism that might provide enhanced powers to a particular region.

Probably the most appealing candidate for autonomy as a solution is the Kosovo impasse. United Nations Organization for Security and Cooperation in Europe proposals for the solution of the Kosovo problem are an example of potential autonomy solutions in ethnic conflicts in which territory and ethnicity largely overlap. United Nations Security Council Resolution 1244, of 10 June 1999, clearly defines the mandate of the UN Interim Administration Mission in Kosovo (UNMIK) as ‘promoting autonomy and self-government within the limits of territorial integrity for Yugoslavia. The resolution authorizes UNMIK to:

- establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provision democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo.

Yet as the continuing tensions and as yet unresolved status of Kosovo demonstrate, the idea of autonomy as a solution is more common than its actual acceptance by the parties in conflict. Autonomy is a difficult option for power-sharing precisely because it fails to satisfy the preferences of either states which fear a ‘slippery slope’ towards disintegration of their territory, and secessionist groups which demand nothing less than full sovereignty and statehood. While autonomy must remain on the table as an option, it has in practice seen little success as a means of resolving the issues on the table in settlement negotiations.

Power-sharing: group building-block approach

Another possible option is a looser form of autonomy, not always explicitly territorial, termed ‘consociationalism’. The option is in essence a group building-block approach that relies on accommodation by ethnic group leaders at the political centre and guarantees of group autonomy and minority rights; in essence, this approach is ‘consociational’ in that it encourages collaborative decision-making by parties in conflict. The key institutions are: federalism and the devolution of power to ethnic groups in territory that they control; minority vetoes on issues of particular importance to them; grand coalition cabinets in parliamentary framework, and proportionality in all spheres of public life (e.g. budgeting and civil service appointments).

Like Bosnia, Lebanon has a political system in which representation and autonomy for the country’s main religious groups are guaranteed in the constitution.

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<tr>
<th>Principles</th>
<th>Practices</th>
<th>Problems</th>
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<tr>
<td>Broad-based coalitions among ethnic political parties</td>
<td>Grand coalition governments</td>
<td>Elites may initiate conflict to bolster their power at the centre</td>
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<td>Minority or mutual veto on matters of importance to the group</td>
<td>Group rights defined in constitutional terms for named ethnic, racial, religious or cultural groups</td>
<td>Can reify ethnicity, reinforcing divisions in society rather than promoting cross-cultural understanding</td>
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<td>Proportionality</td>
<td>Proportional representation (PR) electoral system and the proposed allocation of jobs, spending, representation and participation by ethnic group leaders</td>
<td>PR may reflect well the divisions in society but does not provide incentives for building bridges across community lines</td>
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<td>Group autonomy</td>
<td>Federalism, territorial or ‘corporate’</td>
<td>May contain disincentives for contending groups to live peacefully together</td>
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Systems of communal representation have been attempted in many settings over the years, as described by scholar Arend Lijphart, an advocate of this approach, in his seminal book *Democracy in Plural Societies* (1977). Some criticize an approach that structures the political system around ethnic identities, arguing that mechanisms such as communal representation ‘reify’ and help harden ethnic differences, and the use of the mutual veto will lead to gridlock in decision-making. Table 12.1 summarizes the consociational model.

Power-sharing: integrative approach

In contrast, the integrative approach eschews ethnic groups as the building blocks of a common society and purposefully seeks to integrate society along the lines of division. In South Africa’s 1993 interim constitution, for example, ethnic group representation was explicitly rejected in favour of institutions and policies that deliberately promote social integration across group lines. Election laws (in combination with the delimitation of provincial boundaries) have had the effect of encouraging political parties to put up candidate slates – if they want to maximize the votes they get – that reflect South Africa’s highly diverse society. And the federal provinces were created so as not to overlap with ethnic group boundaries (South Africa’s groups are more widely dispersed in any event). In Ben Reilly’s chapter on ‘Democratic Validation’ in this volume, he outlines further how the key to such integrative approaches (or ‘centripetalism’, because it tries to engineer a centre-oriented spin to political dynamics) is the electoral system, its strongest possible effect is to engender the development of multiethnic political parties.

The integrative approach seeks to build multiethnic political coalitions (again, usually political parties), to create incentives for political leaders to be moderate...
Table 12.2 Integrative power-sharing

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<td>Incentives for elite and mass moderation on divisive ethnic or racial themes</td>
<td>A president who stands for all groups and who emphasizes moderation and reconciliation (like a Mandela)</td>
<td>Leaders who can rise above the fray of inter-group enmity are hard to find; they cannot be simply invented</td>
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<td>Intra-group contestation and inter-group moderation in electoral contests</td>
<td>The use of vote-pooling electoral systems, such as the single transferrable vote or the alternative vote</td>
<td>People may be unwilling to vote for candidates who are not from their community</td>
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<td>Minority influence, not just representation</td>
<td>Federalism is a way to give all minority groups access to power in various regions; the regions serve as a training ground for national-level moderates</td>
<td>Political leaders and key publics may not be willing to respond to the incentives for moderation, preferring that minority representation will remain token or symbolic</td>
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on divisive ethnic themes, and to enhance minority influence in majority decision-making. The elements of an integrative approach include electoral systems that encourage pre-election pacts across ethnic lines, non-ethnic federalism that diffuses points of power, and public policies that promote political allegiances that transcend groups. Some suggest that integrative power-sharing is superior in theory, in that it seeks to foster ethnic accommodation by promoting cross-cutting interests. Others, however, argue that the use of incentives to promote reconciliation will run aground when faced with deep-seated enmities that underlie ethnic disputes and that are hardened during the course of a brutal civil war. Table 12.2 summarizes this option and its related practices and problems.

The group building block and integrative approaches can be fruitfully viewed as opposite poles in a spectrum of power-sharing institutions and practices. Which approach is best? To make such a determination, it is useful to consider power-sharing practices in terms of three dimensions that apply to both approaches: territorial division of power, decision rules and public policies that define relations between the government and the ethnic groups.

Power-sharing practices: an overview

Consociational

1. Granting territorial autonomy to ethnic groups and creating confederal arrangements;
2. Adopting constitutional provisions that ensure a minimum level of group representation (quotas) at all levels of government;
3. Adopting group proportional representation in administrative appointments, including consensus-oriented decision rules in the executive;
4. Adopting a highly proportional electoral system in a parliamentary framework;
5. Acknowledging group rights or corporate (non-territorial) federalism (e.g. own-language schools) in law and practice.

Integrative approach

1. Creating a mixed, or non-ethnic, federal structure, with boundaries drawn on other criteria such as natural features or economic development zones;
2. Establishing an inclusive, centralized unitary state without further subdividing territory;
3. Adopting winner-take-all but ethnically diverse executive, legislative and admixtural decision-making bodies (e.g. a purposefully diverse language board to set policies on language use);
4. Adopting a semi-majoritarian or semi-proportional electoral system that encourages the formation of pre-election coalitions (vote pooling) across ethnic divides; and
5. Devising ‘ethnicity-blind’ public policies and laws to ensure non-discrimination on the basis of identity or religious affiliation.

Although this typology presents two conceptually distinct approaches, it is clear power-sharing options can be pieced together in a number of ways. Like any menu, levers of democratic influence can be combined to suit individual tastes. In deciding which power-sharing institutions and practices might work, there is no substitute for intimate knowledge of any given country. In multiethnic Fiji, for example, a four-year expert review of the country’s political system produced a set of recommendations for a recently adopted constitution that combines measures to guarantee a minimum level of traditional Fijian (as opposed to Indo-Fijian) representation in Parliament (a group building-block option) with measures to promote the formation of political alliances across group lines (an integrative option). The Fiji experience points to how a well-conceived option, featuring a balanced panel of experts with firm political support, can arrive at creative solutions specifically tailored to a unique set of problems. The Fiji case is instructive precisely because the efforts of spoilers (see the chapter on ‘Violence’ by Stephen Stedman in this volume) to disrupt integration along ethnic lines was only temporarily successful; as Fiji recovers from the attempted coup d’état of 2000, it has returned to an integrationist formula for resolving its ethnic tensions.

Conclusion: matching problems to solutions

The practical differences among various types of power-sharing systems, and their implications for managing conflict in divided societies, could easily be lost on even the most interested observer. Most complicated are the issues of electoral systems and the implications of various alternatives for potentially lessening ethnic tensions and buttressing moderate forces against the cries of betrayal of ethnic solidarity so often mounted by ethnic hardliners. But the differences are important, even pivotal, in determining whether some societies will progress beyond negotiated settlements to sustainable peace.
The underlying differences between the consociational and the integrative approaches to living together are essential for post-settlement peace. The differences revolve around these questions:

- What are the fundamental building blocks of the political system, homogeneous, powerful ethnic parties or fluid, issue-based political parties and movements that cross-cut ethnic divisions?
- In governance, how are coalitions formed? Are coalitions forged between or among ethnic parties after elections, or does multiethnic coalescence occur before elections in the creation of multiethnic political parties?
- Most important, is it possible to forge sustainable political institutions that induce moderation and empower tolerant political leaders, effectively penalizing ethnonationalist politicians by marginalizing them in the pursuit of political power?

In sum, consociational power-sharing solutions see ethnic groups as the building blocks of society; in integrative systems, ethnicity is recognized, but it is not the basis of post-war politics. There is no way to say prima facie which type of power-sharing system—consociational or integrative—is inherently best. Moreover, it should be acknowledged that in the most desperate cases, partition should not be abandoned as a viable option to end the violence of an ethnic civil war (as in Sudan). The challenge to all observers of a particular conflict must be to match problems to solutions. What might be possible in South Africa as a settlement to that country's transition from apartheid to democracy (which did away with ethnic representation, state-sanctioned racial differentiation and ethnic title to territory), is not possible to transplant in a complex arena like Bosnia in which it has been virtually impossible to induce the parties to accept a more integrative approach.

In matching options to solutions, much depends on the level of enmity between the contending groups, the trajectory of the war (e.g. the extent of ethnic separation that occurred) and whether or not in their negotiations they can accept any degree of uncertainty or vulnerability to political loss. Critical to analysis of the problems is a coherent assessment of the role that ethnicity plays in the turn to violence and the salience of identity as a cause of conflict. At some point, it becomes impossible to live together in broad, tolerant, multiethnic coalitions; in such cases, perhaps consociational democracy is the best alternative to violence. When consociationalism cannot work, autonomy might be a solution. When even autonomy is not possible, the time may be ripe to consider partition.

Ideally, power-sharing will work best when it can, over time, wither away. Whether in South Africa, Northern Ireland, Bosnia or Lebanon, in the immediate term formal power-sharing has been a necessary confidence-building device to ensure that all groups with the capacity to spoil a peace settlement should be included in the institutions and given influence in decision-making. Over time, however, post-war societies need to move beyond the mutual hostage taking that a guaranteed place at the decision-making table implies, the immobilism it stably creates, and the construction of post-war societies around the fixed and unyielding social boundaries of ethnicity. Integrative power-sharing solutions have an inherent advantage, if they can be achieved. Simply put, when successful, they engineer a moderation-seeking, centripetal spin to the political system, one that allows for ethnicity but promotes fluid coalitions that transcend the cleavages of conflict in war-torn societies.


Territorial Autonomy

Territorial autonomy is a device to allow ethnic or other groups claiming a distinct identity to exercise direct control over affairs of special concern to them while allowing the larger entity to exercise those powers which cover common interests. Autonomy has become the most sought-after and resisted device for conflict management. However, autonomy is controversial, and many conflicts themselves are about the demand of autonomy and resistance to them. At other times autonomy seems to offer a way out of conflict or the transformation of the conflict. The promise to consider or negotiate autonomy has been used successfully to bring truce among warring parties. Autonomy has sometimes secured a breathing space as an interim or even ambiguous expedient while longer-term solutions are explored and negotiated. Autonomy has been used to separate as well as to bring people together. In recent years it has been seen as a panacea for cultural diversity, and as, under the influence of identity politics, the realization of the extreme heterogeneity of states dawns on us, autonomy seems to provide the path to maintaining unity of a kind while removing claims of self-government. Autonomy has several features which distinguish it from the model of the modern state described by Tully and Parekh. It is multi-layered, state sovereignty is divided, there are many sites of power and authority—qualifying majoritarianism—there is explicit or implicit recognition of cultural or ethnic diversity, and there are various asymmetrical features, even in classical federations. However, not all federations are hospitable to this degree of diversity; there