



Constitution Building Training Programme

Constitution Building Programme
International IDEA

The dynamics of power sharing

A module of the Constitution Building Training Programme

Overview

How should the constitution respond to intractable conflicts in deeply divided societies that appear unwinnable by one or a combination of protagonists? There are mechanisms by which the protagonists can seek a compromise that allows them to bargain and reach a mutually beneficial accommodation. The logic behind power sharing is the fact that conventional democratic politics creates winners and losers and that in a context of deep divisions, losers are fearful that the winners will harm them in some irremediable way. Thus, it is possible to nudge a deeply divided country towards long-term stability by using the principles of democracy enfolded with rules for conflict management. These principles and rules are embedded in the constitution. As a temporary measure, power sharing is meant to build confidence and trust to an extent that allows normal democratic contestation to resume. As a permanent measure, power sharing is a structural commitment by a polity that no significant group will ever be at risk of marginalization. In short, power sharing, has become a much favored tool for nudging in-conflict country towards some form of settlement that a) halts the conflict; b) stabilizes the country and c) creates conditions for the design and implementation of structural reforms that will lead to legitimate institutions.

This Module introduces the key elements of power sharing as a tool by which societies can exit conflict and design enduring constitutions. The Module allows participants to determine whether the constitution is an appropriate mechanism for dealing with power sharing in their context and what dangers constitutional resolution pose. It explores how constitution building processes can address the structural drivers of cultural fragmentation, thus addressing the power sharing conundrum. Further, participants will examine the tools and devices of power sharing and whether these should be permanent or temporary. The Module lays a theoretical foundation and is anchored by numerous case studies and exercises to illustrate the complexity and possibilities of power sharing.

Learning outcomes

At the end of this Module participants should be able to:

1. Define the meaning of and recognize various types of power sharing arrangements and their constituents.
2. Explain the challenges and identify the threats to successful implementation of power sharing agreements.
3. Describe the various legal and constitutional mechanisms for implementing power sharing arrangements.
4. Undertake comprehensive stakeholder analysis of the various –national, international and regional - actors in power sharing arrangements; map their interests and assess how their interests are reflected in power sharing arrangements.
5. Formulate the issues and questions relevant to the design of interim constitutional arrangements within the framework of power sharing.

6. Describe the key elements of constitution making for long-term or structural power sharing.

Module Structure

Executive summary	
Introduction & Learning outcomes	
Rationales for and approaches to power sharing	<ul style="list-style-type: none">• Introduction to power sharing approaches, definitions and theory<ul style="list-style-type: none">• Reasons for power sharing• Approaches to power sharing• Consociationalism and Integrative power sharing• Application of power sharing<ul style="list-style-type: none">• Economic• Political• Territorial• Military
Identifying stakeholders and understanding the dynamics of their roles	<ul style="list-style-type: none">• Mapping actor interests in the implementation of power sharing agreements<ul style="list-style-type: none">• Protagonists• Spoilers• Enforcers, financiers and monitors• A framework for analyzing stakeholders in power sharing• Exploration of third party involvement<ul style="list-style-type: none">• Mapping third party involvement
Power sharing and transitional justice	<ul style="list-style-type: none">• Dealing effectively with the past<ul style="list-style-type: none">• The right to know what happened• The right to justice• The right to reparation
Constitution building during power sharing	<ul style="list-style-type: none">• Identifying interim institutional arrangements<ul style="list-style-type: none">• Dimensions of interim power sharing• International norms• Making an enduring constitution during power sharing<ul style="list-style-type: none">• Constitutional principles• Agreeing to an inclusive framework<ul style="list-style-type: none">• Inclusion and constitutional reform models
Long-term institutional power sharing	<ul style="list-style-type: none">• Achieving structural power sharing in fact<ul style="list-style-type: none">• Executive power sharing• Segmental group autonomy• Proportional sharing of positions in government• Economic measures
Glossary	