ACCESSING POLITICAL POWER: WOMEN AND POLITICAL POWER-SHARING IN PEACE PROCESSES

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UN WOMEN

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THE PURPOSE OF THE GENDER BRIEFING SERIES

This brief is part of a Gender Briefing Series to support women's meaningful participation and the integration of gender perspectives in peace processes that aim to end violent intra-state conflict.

The key target audience is women, gender equality advocates and others engaged in peace processes, who wish to influence negotiations with a view to: (a) addressing the particular experiences of women during conflict, and (b) achieving lasting peace process outcomes that will improve women's lives and the lives of those around them.

Using a comparative approach, the briefs:

- Establish the importance of the issue from a gender equality perspective and the importance of women's meaningful engagement for effectively addressing it.
- Identify key issues with reference to the inclusion of women and their gender-related and gender-specific dimensions.
- Suggest ways of influencing change in peace processes, including identifying possible entry points and overcoming tensions with competing strategies.
- Highlight through examples how integrating gender perspectives in peace agreements not only benefits women, but also helps diversify perspectives and proposed solutions, thereby contributing more generally to progress in peace processes for all.
- Provide quantitative and qualitative data from peace agreements, using examples from across the world as evidence and inspiration for action.

- Offer analysis that provides for principled approaches to inclusion – grounded in international legal standards – with an indication of how these can be linked to pragmatic political arguments.

Too often, formal peace negotiations approach women's meaningful participation and gender equality as a secondary and apolitical concern to 'stopping the war'. Arguments are often made that the need for political pragmatism to end the conflict must singularly prevail. Yet both concerns are inextricably linked to one another for sustainable peace. The approach of these briefs supports engagement in peace processes rooted in the principle of gender equality, while recognizing that provisions designed to achieve equality in any context will be negotiated politically in practice. To influence change, women will need to influence a range of actors, including those who may not see gender equality as central. Women themselves will also have diverse political views and perspectives. The briefs therefore offer comparative analysis, examples and framing questions to support women and others to develop proposals suitable to their own context, rather than prescribing any one approach.

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INTRODUCTION

Peace processes often 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 often contain complex mixes of some or all of the following power-sharing types:[1]

- 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.

(See further, Hartzell and Hoddie, 2003 and 2007)

Political power-sharing is central to peace processes and its shape is often highly contested. It restructures how power will be held and exercised in political institutions in ways that present both challenges and opportunities for women's engagement. While often a key way of achieving compromise between warring groups and political opponents, it aims for an elite pact, which can frequently be exclusionary of wider constituencies and interests, including those of women.

Placing conflict actors at the centre of new political institutions — whether temporary or permanent — gives them a privileged place in the future power-structure of the country, and shapes the entire political settlement and its opportunities for stability and transformation. Power-sharing is also a highly technical issue whose design involves engaging in voting arithmetic, understanding different options for electoral system design, and understanding a range of techniques of splitting power within state institutions such as the executive, legislature, judiciary, and even banking system.

All these factors make power-sharing controversial and difficult to influence for those outside of the immediate negotiation process — something this brief tries to redress. In addition, while considerable attention has been given to how to support women to engage with constitutional reform, transitional justice, and security sector reform, there has been much less academic and policy attention given to how women can engage with power-sharing mechanisms (for a recent exception, see Special Issue, *Nationalism and Ethnic Conflict*, 2018). **Yet, because agreement over how power is to be held and exercised by those at the heart of the conflict tends to affect all other issues on the negotiating table, it is vital for women to engage with power-sharing proposals.**

This brief sets out the various contexts in which different forms of political power-sharing are established in peace agreements. It indicates the challenges for women but also for other groups who are not at the centre of conflict, who may be useful allies in any struggle for greater inclusion.

PART I: OVERVIEW

What is political power-sharing?

The term 'power-sharing' covers a wide variety of political arrangements, each of which have different potential impacts on gender equality. At its most basic level, power-sharing[2] refers to political arrangements that aim to produce joint government between groups, as well as move beyond straightforward majoritarian government towards some form of group accommodation. In peace and transition processes, power-sharing tends to involve more developed technical options. Outlined below are the types of arrangement that can be labelled political power-sharing (see further, Bell, 2018).

Most frequently associated with the term, is a form of power-sharing with four classic elements called 'consociationalism' – because it forces opposed parties to act in 'consociation' with each other. Power-sharing arrangements often use these elements to provide for political accommodation for group identities and allegiances, rather than having governments formed by those who win the majority in elections. Examples of this type of power-sharing can be found in the peace settlements in Northern Ireland, Burundi, and Bosnia-Herzegovina.[3]

The four elements are:

Coalition government with grand coalition executives: Parties representing different groups within society are put into an executive coalition by agreement that different groups will have different ministries, or by a formula that ensures that major groups in society have representation in the executive based on their proportion within the electorate.

Proportionality in the voting system and legislature, and other public institutions: Votes are translated into a proportional formula for representation in the legislature, to ensure balance among groups, sometimes also with forms of 'set-aside' places for smaller groups. Proportional representation (specific provision for different groups to have specific numbers of representatives, in accordance with their percentage in the population) is also used in key public institutions such

as: the police, judiciary, civil service, and other public-sector institutions.

Minority veto in areas of vital interest: Key blocs are given a veto which they can use to protect their 'vital interests', such as language rights, from unilateral change by the majority. For example, in Northern Ireland, politicians must designate themselves as 'unionist' or 'nationalist' or 'other'. A majority of either the Unionist or Nationalist blocs voting, can result in an area being designated as one of 'vital interest' to that community. Triggering the 'vital interest' mechanism then requires the measure to be approved by a majority of both blocs (a 'weighted vote'), rather than an overall simple majority of those voting.

Segmental autonomy: Groups are given forms of self-government, which can be granted in two ways: first, through territorial devolution of power; and second, through devolution of power relating to spheres of life, which are particularly related to identity, such as areas relating to culture, education, language and sport.

Power-sharing arrangements can also use more **'integrative'** approaches whereby the system is designed to try to encourage divided groups to work across their divisions. In Burundi, for example, the power-sharing arrangement required political parties to 'reflect the national character', implying that it would have both Hutu and Tutsi members.

> ### Burundi, Burundian Constitution of 18 March 2005.
>
> **TITLE III: Of the System of Political Parties, Article 78:**
>
> In their organization and their functioning the political parties must respond to democratic principles. They must be opened to all Burundians, and their national character must also be reflected at the level of their leadership [direction]. They may not advocate violence, exclusion, and hatred in any of their forms, notably those based on ethnic, regional, religious or gender affiliation.

Complex power-sharing

It is important to note that power-sharing arrangements in practice rarely equate with 'pure' typologies or models. **Contemporary peace settlements often produce 'complex power-sharing' arrangements, which draw eclectically from the elements set out above to create new permutations.** These cut across political, territorial, military and economic power-sharing models (Weller and Wolff, 2005; Wolff, 2011). Moreover, some arrangements include provision for members of civil society or even international actors, to be involved in the political and legal institutions of the country, alongside the more general ethnic proportionality provided for. For example, arrangements in Bosnia and Herzegovina through the Dayton Peace Agreement 1995, provided for joint ethnic and international participation in institutions such as the courts, human rights bodies, and Central Bank mechanisms.

Why is political power-sharing important for women to engage with?

Power-sharing arrangements tend to emerge from deals between conflict actors at the heart of waging the war, or the groups they claim to represent. While women within political groupings who are brought into power-sharing arrangements may welcome them, because these arrangements focus on the accommodation of groups who (i) have been central to the use of violence, and/or (ii) reflect identities considered at the heart of the ethno-national conflict (for example as based on race, ethnicity, indigeneity, or nationality),

they are often alleged to exclude women as a group. In fact, women are often wary of power-sharing arrangements because of how these **entrench ethno-national identity claims at the heart of the conflict, in ways that exclude, or risk excluding, equality for women** (see United Nations, 2017, pages 34-35).

Obstacles to women's engagement with power-sharing proposals include that:

- Women will often be underrepresented in the political-military hierarchies at the centre of both peace negotiations and the power-sharing institutions which result from them.

- Women are found in all the different ethno-national groups associated with the conflict, and their identity as women will connect in complex ways with the identity divisions at the heart of the conflict (often understood as 'intersectionality'). This can make it difficult for broad-based women's groups to form common positions on power-sharing arrangements – including different and even opposing views on whether the power-sharing arrangements deliver equality or negate it. Yet, failure to produce clear proposals with broad-based support relating to the protection and advancement of gender equality and women's empowerment, can lead to marginalization of women's voices.

- How different power-sharing design options will affect women's participation will not always be easily apparent from a description of arrangements alone. The outcome for women's participation in political institutions can depend on matters such as the make-up of the electorate in gender terms; the particular type of electoral system chosen; the mathematical formula used to determine group participation in ministries; the order in which the parties chose ministries (which will affect women if different parties have different commitments to gender equality), and a host of other design issues. Ensuring adequate representation of women will often require access to a range of different expertise to anticipate and address issues.

As research emerges on how power-sharing arrangements provided for in peace agreements work in practice, it demonstrates how these often operate to marginalize women in a range of ways (see Special Issue, **Nationalism and Ethnic Conflict**, 2018). It is critical that women engage with political power-sharing proposals in peace negotiations for the following practical reasons:

- Power-sharing has the capacity to end the conflict because it provides a political guarantee of inclusion to groups who are key to the continued use of violence. If the conflict has not ended, gains for gender equality are often very difficult to achieve. Mediators will prioritize achieving power-sharing, because it is often 'the only game in town' and is understood as a prerequisite for bringing violent parties into a common framework to end the conflict. **If women oppose power-sharing as 'bad for women' (Byrne and McCulloch, 2018) rather than trying to shape it, they risk missing an opportunity to influence the central power-map put in place by the peace agreement.**

- There are different ways to design power-sharing, some of which are more gender- sensitive than others. A more open type of power-sharing offers a more principled bargain overall, with greater capacity to move beyond a rigid form of government built around identity politics. **Here, women's engagement can be useful in bringing equality demands that leverage more principled forms of power-sharing and can help move the arrangements away from being a self-serving elite pact between those at the heart of the conflict, in ways that carry wider social benefits (O'Leary, 2005).**

- Power-sharing mechanisms are often rooted in a language of group equality, and often asserted to be compatible, and even required, by international human rights law minority rights standards (Kymlicka, 2007; Bell, 2008, pages 218-238). **Indeed, since power-sharing introduces the idea of group equality to supplement individual equality, its introduction can add weight to arguments for women's equal participation as a group constituting half of the population.** Importantly, the language of group inclusion has traction for achieving group mechanisms for equality such as quotas, which are permitted and encouraged by international human rights law as a form of temporary special measure.[4] Quotas can be easier to achieve in a political context where everyone is in government because of their membership in a group.

PART II: A GENDER AND WOMEN'S RIGHTS ANALYSIS OF POLITICAL POWER-SHARING IN PEACE AGREEMENTS

Entry points for women seeking to engage with and shape power-sharing arrangements will depend on how and why such arrangements are being used. A review of all peace agreements from 1990 to date indicates three different functions of power-sharing, each of which poses different challenges for inclusion of women.[5] Designing strategies to engage with power-sharing to promote equality and inclusion for women involves understanding which use of power-sharing is in play, and the type of political equality it is trying to achieve.

The following describe the three different functions of political power-sharing in peace and transition processes:

Power-sharing focused on accommodating identity-based groups at the heart of a national 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 and Herzegovina and Burundi.

Power-sharing focused on accommodating identity-based groups at the heart of a sub-state conflict: These arrangements involve power-sharing related to sub-national or localized devolution of power as a territorial power-sharing attempt. Territorial power-sharing focuses on ending conflict by giving a minority group power at the sub-national level where they are concentrated (and may even comprise a majority). These arrangements are sometimes accompanied by political power-sharing to ensure that majority-population members, who now find themselves a minority at the sub-state level, are treated fairly. Political power-sharing is sometimes also used to ensure that the sub-state region gets increased representation in central state institutions. An example is the peace agreement in the Chittagong Hills Tract in Bangladesh.

Transitional interim power-sharing: This arrangement uses power-sharing between state actors and rebel groups to establish a form of interim transitional governance. The 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, but sometimes have complicated relationships to identity claims rooted in religion, ethnicity, tribal identities, and nationalisms. Examples of this sort of arrangement are provided by peace agreements in Sierra Leone, Yemen, and Zimbabwe.

Each of these different types of power-sharing holds slightly different risks and opportunities for women's inclusion. Therefore, different strategies of engagement are required, as considered briefly below.

Power-sharing focused on accommodating identity-based groups at the heart of a national 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 discriminate against and dominate other groups. Political power-sharing in this context is intended to give political equality to different identity groups to end the conflict, by addressing root causes of discrimination and domination so as to create a state which is inclusive of all the main identities and groups within it. Power-sharing is established as an indefinite mechanism of government, designed to accommodate different ethno-national groups in pursuit of a form of political equality.

For women (and others), a central concern of such power-sharing arrangements is first, that they reinforce the very group identities at the heart of the conflict, rather than re-shaping and transcending them. Second, they can be difficult to make work precisely because they design complex mechanisms of *enforced* cooperation to respond to a situation of distrust. **In short, these arrangements often seem to translate the conflict into new political structures, rather than resolve or transform it.**

In terms of design, the detail can be very important as to whether the arrangement has some capacity to be inclusionary for women, many of whom will have intersecting identities, or may aspire to a political system built on something other than 'identity politics'. Analysts of power-sharing have pointed out an important distinction between '**corporate**' modes of power-sharing and '**liberal**' modes of power-sharing (see for e.g. O'Leary, 2005). Corporate modes emphasize group identities at the expense of all else, while liberal modes understand the importance of providing protections for individuals so as to balance group-based mechanisms and decision-making. **This distinction is important to women, as liberal forms of power-sharing prioritize human rights in ways that can be useful to women.** The following issues are

important to ensure a 'more open' or 'liberal' form of power-sharing:

- **Addressing the rigidity of how groups are defined and described, with the aim of helping to erase, rather than entrench, the identity divisions which have fueled 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. When groups are described in terms that are not purely identity-based, this can open political space 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 central to the power-sharing mechanism, rather than 'Protestant' or 'Catholic'. Although most Unionists are Protestant and most Nationalists Catholic, the terms 'Unionist and Nationalist' are not inevitably tied to religious identity. Hence, 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 including the priorities of women and others who do not view their interests as best protected within these blocs. 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 (The 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. For example, in Burundi, a commitment to require joint-ethnic membership of political parties played a role in making ethnic identity less important politically, although the resulting political settlement still ran into difficulties (see box below for the form of power-sharing included).

- **Seeking to include women as a group.** While in majoritarian electoral systems, debates over the legitimacy of quotas for women often occur, in political power-sharing arrangements, participation in the executive and legislature is often specified as a group proportion or quota. The centrality of quotas in power-sharing arrangements can assist women to argue for quotas for women's participation.[6] For example, some agreements have made provision for women's quotas as part of the power-sharing arrangement (see Burundi and Somalia examples in boxes below), although these have often been difficult to implement in practice. In Burundi, the inclusion of women in the power-sharing arrangements was also assisted by women's mobilization in the peace process, international support, and a mediator who paid attention to women's voices (namely Nelson Mandela).

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.

Burundi, 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.

Somalia, Transitional Federal Charter of the Somali Republic, 29 January 2004.

Page 16, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I PARLIAMENT, ARTICLE 29, THE COMPOSITION OF PARLIAMENT, The Transitional Federal Parliament of the Somali Republic shall consist of Two Hundred and Seventy-Five (275) Members of which at least Twelve Percent (12%) shall be women.

Protocol Establishing the Somali National Constituent Assembly, 26 June 2012

Page 3, ARTICLE 4, National Constituent Assembly Members, 1. The National Constituent Assembly shall comprise 825 delegates of whom at least 30% must be women.

The design of **gender quotas** alongside other quotas can raise difficulties which need consideration:

1. Will the quota for women be implemented 'within' the overarching ethno-national quota – meaning that only women associated with those groups will be included? Or will women be given their own set-aside seats 'as women'? Or could both be provided for? Needless to say, these are difficult strategic questions which must also be balanced with what is achievable in negotiations.

2. Where multiple large and small groups are to be included by the power-sharing arrangements, some very small groups given a quota may find it difficult to include a proportion of women because they have only a few seats to distribute and will be under pressure to give those seats to key leaders. For example, a party with only two seats in a local legislature will have to give one of the seats to a woman to reach a quota of even 30 per cent, perhaps at the expense of including its own (male) leadership. This sort of dynamic can lead to the gender quota not being implemented. Women's strategies of engagement, and those designing gender quotas, need to consider how best to enable women's inclusion in these situations.

3. Where specific quotas for women are provided for, these can also start to operate as constraints on women's participation in institutional bodies, even when intended to secure and enable participation. This can happen particularly where the bodies have small numbers of members. For example, in an Agreement in the Bangladesh Chittagong Hill Tract, between the Government and Hill Tract Tribes, the small number of members of the proposed Hill District Councils meant that specifying tribal and non-tribal, male and female representation required closely prescribed numbers in ways which made the quotas rigid – meaning that only certain seats were open to women.

Bangladesh/Chittagong Hill Tract, 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:

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.

Page 7, C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL: 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.

Page 8, C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL: 4. Three seats shall be reserved for women in the Council, one-third of which will be non- tribal.

- **Advocating for quotas in legislative initiatives after the main peace agreement.** Even if a struggle to have a quota included in a power-sharing peace agreement is lost, there is evidence that quotas for women are frequently included in practice when peace agreement commitments are translated into new electoral arrangements and laws (Bell, 2015). This seems to be because of a confluence of factors, including the promotion of international good practice by the international community; normative frameworks which call for temporary special measures where women are under-represented; women pushing for equality from within transitional bodies; election experts helping draft new laws; the influence of women's movements; and enlightened male party leadership. Even vague commitments in a peace agreement requiring that new institutions are 'representative of women' can underwrite and support post-agreement initiatives for inclusion. However, the example of Bosnia Herzegovina (in box below) shows both the opportunity for, and some of the limitations of, quotas.

- **Human rights measures.** Where power-sharing is put in place, individual human rights measures can provide a crucial protection for women and sexual minorities, who often face new barriers to equality as power-sharing arrangements start to operate (see further, Nagle and Fakhoury, 2018). Strong human rights and equality measures may be particularly important where one group is prepared to use their bargaining and veto powers to achieve social conservativism (as has happened in Northern Ireland); or where deeply divided groups find their only easy consensus is on socially conservative agendas. Strong human rights measures and an objective or balanced court with independent judiciary can be important to protecting women and non-aligned minorities against power-sharing governments that seek to reduce their rights. Independent rights-focused courts, while always important, may have a particularly important role with regard to power-sharing arrangements. Human rights measures can help provide for more 'liberal' forms of power-sharing.

Bosnia and Herzegovina, General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement), 21 November 1995.

This agreement included a complex political and territorial power-sharing arrangement, or a particularly rigid 'corporate' type, with the following features:

- Women were not included in the complex quota arrangements of the power-sharing arrangements for ethno-national groups (Croats, Serbs, Bosniacs).
- Quotas for women were, however, a 'post-agreement achievement' supported by combined international and domestic advocacy work.
- Yet, on their own they were insufficient to significantly change the numbers of women in parliament, but could be neutralized by other aspects of electoral system design: in this case the distinction between open and closed lists for proportional representation was important – the open list system chosen resulted in male candidates 'leapfrogging' over female candidates ranked higher on the list.
- More optimistically, despite a highly rigid (corporate) system of ethnic representation, Bosnia now has a less rigid gender quota in place which is intended to ensure 40% representation of the 'least represented gender' on party lists, although currently only 21.4% of women are in parliament.

(Source: Byrne and McCulloch, 2012)

- **Nature of the state: Symbolic statements of equality and inclusion.** Ethno-national power-sharing aims to change the nature of the state – from one which is exclusive to one which is inclusive of additional key groups involved in the violence. Preambles and peace agreement language more generally can often be pushed to contain broad commitments to inclusion and equality – through symbolic, open language– with application beyond the main ethno-national equality groups. When commitments to inclusion are framed in open language, this can help them reach beyond the main groups to women and 'others'. Symbolic aspirations for the state can help at least to underwrite arguments to further open up narrow power-sharing deals to broader forms of social inclusion, which can supplement the group accommodation and broaden it into a deeper social contract such as is provided by a constitution (see box on Nepal below).

> Nepal, Interim Constitution, 15 January 2007.
>
> Preamble: ...Pledging to accomplish the progressive restructuring of the State in order to solve the problems existing in the country relating to class, ethnicity, region and gender; . . .
>
> Many of these provisions were carried forward into the 'final' Nepal Constitution, 2015.
>
> (For a comparison: Search 'constitutions' in PA-X Gender Peace Agreements database, www.peaceagreements.org)

Power-sharing focused on accommodating identity-based groups at the heart of sub-state conflict

Sometimes a similar form of power-sharing is put in place in a sub-state entity to accommodate the groups at the heart of the conflict through a **territorial** form of power-sharing. Examples include Bangladesh (Chittagong Hills Tract), India (Bodoland, Nagaland, Darjeeling), Mexico (Chiapas), and Northern Ireland.

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

1. **To give further weight to 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 sub-state political and legal 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.

2. **To reassure members of the majority population who will become a 'new' local minority after a grant of autonomy or similar form of sub-state devolution of power:** Where devolving power down to the sub-state level, for example, through forms of autonomy, 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 to reassure those now a minority in the new devolved area (Bangladesh/Chittagong Hills).

3. **To accommodate groups in a new autonomous or independent state:** 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. An example is Bougainville, Papua New Guinea.

The challenges and opportunities for women's participation are similar to those already considered. However, there are some important differences to bear in mind when thinking through effective strategies for sub-state political power-sharing. The following questions are important to consider when seeking to design strategies for the inclusion of women.

- **Has the nature of the central state changed?** When the agreement deals with sub-national conflict, the nature and power-balance at the level of the

central state will often not have changed. While its territorial configuration will have changed, this may signify a separation solution which leaves the nature of the central state untouched, rather than signifying a new commitment to a more inclusive state. An agreement for political power-sharing at the sub-state level will often leave the state in a position where it is continuing to hold considerable power over the sub-state entity in terms of allocation of resources, which may determine whether self-government enables improvement in the lives of the sub-state entity's peoples, including women.

- **What is the nature of the sub-state entity?** Where the sub-state entity is largely autonomous, it will have state-like features. The sub-state's articulation of its commitment to equality and inclusion is important to its treatment of women in practice, and hence it is critical for women and gender equality advocates to assess the nature and extent of this commitment. Does the sub-state entity articulate its foundation as one which is rooted in equality and inclusion for all, or does it articulate it as a narrower 'nationalist' project?

- **What powers are given to the sub-state entity?** Gender analysis can also consider what powers have been devolved, even if temporarily. For instance, how will arrangements for public services, security and budgetary authority – arranged as part of a territorial power-sharing deal – impact on women?

- **When and how do human rights apply at the sub-state level?** In practice, while the central state is responsible technically for its international human rights obligations, it may have little capacity to affect sub-state compliance. If autonomy has been conceded with a view to improving the rights of a national minority by giving it control over its own affairs, then attempts by the central state to 'police' human rights delivery will be viewed as an attempt to 'take back control' (by a state whose human rights credentials in terms of minority rights are likely to be very low). If a large amount of autonomy is given to the sub-state entity, it will be challenging for the central state to enforce any human rights commitments to protect women. Further, if the sub-state entity is dominated by socially conservative political and social forces, then this may bring regression of women's rights. Even international human rights courts and tribunals have struggled to articulate the responsibilities of states for delivery of human rights in areas where

they have effectively conceded control to sub-state institutions. Women and gender equality advocates may therefore seek to ensure strong sub-state human rights institutions. They may find considerable local and international support: local actors will often have viewed their own armed struggle as a struggle for rights and equality and may be open to arguments to provide a human rights framework; while international interveners may view such a framework as important for good governance.

- **How are fears of 'reverse discrimination' to be addressed?** Territorial power-sharing can bring new fears for erstwhile majorities 'left behind' in the new sub-state territory. Women operating across identity divides, can be well placed to articulate the different experiences and fears of different women and the groups they are a part of, and suggest how they may be addressed, in ways which deal with the different risks of the power-sharing arrangements more widely.

Transitional interim power-sharing

Power-sharing can also be instituted as an explicitly transitional device aimed at achieving an immediate end to violence to create a broader political process capable of effecting a transition to democratic politics. Different types of peace and political processes can produce interim power-sharing arrangements:

- **Revolutions**, where a caretaker government drawing on all sections of society may be put in place to oversee the transition.

- **Democratic deadlock power-sharing**, where an incumbent challenges elections 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. An example is Sierra Leone (peace agreements in 1996 and 1999).

- **Post-interstate use of force**, where outside states and organizations use force to create 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 and gradually given more power over time, with a view to building towards elections and a constitutional reform process. Examples include Kosovo, Afghanistan and Iraq.

The goal of power-sharing in interim transitional arrangements is not permanent ethno-national accommodation, but rather to provide a bridge between the conflict and a fuller political settlement process. Here power-sharing arrangements have twin aims to enable some form of ceasefire: a) creating a situation in which all the parties feel that their security and capacity to shape the future political order is guaranteed; and b) providing some form of time-limited government to keep the business of government running and establish the processes necessary to the transitional period.

These arrangements contain quite different challenges for women, requiring different strategies of engagement. For instance, they give political-military powers control of the transitional government, frequently without elections. Furthermore, these interim arrangements are often negotiated as the price of a ceasefire, for without a share of government, groups often feel that they have insufficient security guarantees to end violence, even temporarily. In very violent conflicts, the pressure to reach 'a deal' and a focus on conflict actors, leads to claims that inclusivity can wait until later, and negotiations then tend to happen at a high level in conditions of secrecy. It can be difficult for women to access or influence these negotiations which frequently involve international diplomacy, and women will often require international support to gain access and to mount claims for equality.

Peace agreements providing for interim transitional arrangements often involve women in some of the following strategies:

- **Pushing for representation in governments of national unity.** Sometimes women and gender equality advocates will want to push for representation in any transitional interim government. This again raises the issue of which women, how many, and who and what will they be understood to represent?

- **Pushing for representation in the transition reform process.** The purpose of the transition will be to create a broader social process of reform aimed at transitioning to democracy. Women and gender equality advocates can also push for gender-sensitivity and strong representation in the various transition reform processes contemplated: an interim 'government of national unity' will often be charged with creating these processes, for example, establishing bodies for a national dialogue, major constitutional or electoral reform, or all three. International actors, who frequently financially support and play a role in the design of these arrangements, will often assist women's claims because there are strong practical, rights-based and moral arguments for women to be included. For instance, international actors will want these processes to have as much popular legitimacy as possible and show commitment to United Nations Security Council resolution 1325 (2000) on women, peace and security.

- **Anticipating and dealing with the difficulties of moving on from interim arrangements.** Often, and even typically, interim transitions are not supported by any real agreement between the parties to the conflict as to where the transition is headed. While such transitions may have timetables for reform and elections built into them, in practice these timetables frequently extend, and the transitional administration often unravels. When it becomes clear that those in power in the transitional government will be unable to win the subsequent elections – whether held fairly or not – the key actors will often renege on the deal. Women may need strategies to both deepen the commitment of the main parties to the transition process, as well as promote 'good faith' participation in the reform processes and bodies.

UN Guidance to Mediators on Gender and Power-sharing

The United Nations Department of Political Affairs has provided guidance to mediators, which is useful for women and gender equality advocates. This advice suggests that mediators:

- Design power-sharing mechanisms with **gender-sensitivity**; in particular, consider measures that have a positive impact on women's representation.
- Include a clause calling for the meaningful representation and participation of women in **elected and appointed positions**, including at national, regional and local **levels of government**, throughout the country. This might include **minimum requirements** for women's representation in constituent assemblies and transitional governing bodies (e.g. at least 30 per cent of the participants) or legal quotas for reserved seats, reserved constituencies, quotas for women candidates to elected or appointed offices in the legislature, executive, judiciary.

- Specify mechanisms (e.g. criteria-based selection/election processes) to ensure **qualified candidates** are chosen for such positions.
- Consider **temporary special measures and sunset clauses**, including quotas where relevant and appropriate, to ensure the inclusion and effective participation of women in key bodies and processes, such as commissions and constitutional and electoral processes.
- Make explicit that quotas are a "**minimum**" requirement", rather than a cap on women's representation.

(Source: United Nations, 2017. *Guidance on Gender and Inclusive Mediation Strategies.*, pp. 34-36.)

PART III: STRATEGIES AND TACTICS

Women's access to political power is constrained by a mix of political, cultural and institutional factors in any given context.

However, political power-sharing places the following factors centre-stage in most contexts:

- The challenge of including women as 'women'. Like men, women will have different identities, affiliations and political views, so providing for women's meaningful participation in power-sharing arrangements is not straightforward.
- Women's modes of political organizing do not always reflect party-centric approaches, which are often central to power-sharing discussions and approaches.
- Women are frequently expected to speak for their ethnic group/political party as well as for 'all women', and the question of 'who women speak for' is a difficult one.
- Enhanced inclusion of women does not necessarily translate into enhanced equality-promoting policy-making.

Women are not a monolithic group. With different nationalities and ethnicities, they will be present in all the identity groupings sought to be accommodated by power-sharing arrangements, and some will assert a right not to be treated as a member of a group. **Power-sharing arrangements, focused as they are on one aspect of identity, pose a challenge for intersectional understandings of identity, and for attempts to challenge identity politics. Women within distinct communities will have different things to lose and gain from the same power-sharing arrangement.**

How these specific risks and strategies are best navigated by women will vary according to context and the standpoint of the women involved. The UN has produced mediation guidelines, which include a section on gender and power-sharing and can be a useful reference (see United Nations, Guidance on Gender and Inclusive Mediation Strategies, 2017).

The following activities can also be useful in engaging with power-sharing proposals to make them more inclusive of women and agendas for equality.

1. **Producing strong gender-responsive conflict analysis of group power dynamics and incentives.** What are the likely conditions of compromise of any group, and how might this scenario affect women? How might women's interests and needs be part of a larger picture? There will be a number of fairly predictable ways in which the parties to conflict may achieve a compromise between what are often irreconcilable demands to 'own' the state. Any compromise will revolve around new permutations of political, territorial, military and economic power.

2. **Modelling power-sharing proposals for their possible gender impact.** Women can anticipate and scenario-plan for how the possible power-sharing models proposed may affect them, for example, by considering how the power-allocation formulae are likely to affect women's participation in practice, given other group balances. They might also consider how to frame proposals in ways that make them more likely to be heard by mediators and others not disposed to gender equality. In fact, showing awareness of the inter-group power dynamics that propel and shape power-sharing solutions may be welcomed by mediators, who will often be uneasy about these arrangements, and looking for ways to ensure that they can be re-shaped in the future.

3. **Building alliances between and across women's groups.** The very issue of when and how women are to be represented can cause internal dissension among women at moments when a strong unified voice will be most influential. Different groups of women may choose different means of influencing the process – for example, from inside particular political groupings, working across groupings,

building very local constituencies, working with international actors. Often, these choices may seem to be crucial differences of strategy and a unified 'women's strategy' will seem impossible. It is therefore important to have frequent dialogue and consultation across diverse groups of women, including across what may be several women's movements rather than a singular women's movement, to try to build strong communication and transparency, tolerance and dialogue as part and parcel of creating different strategies in a multi-layered cross-constituency approach to peacebuilding (Whitfield, 2012).

4. **Building alliances with other groups.** Women will have alliances with some of the political-military groupings, or alliances with other non-aligned minorities whose challenges of exclusion they may share. Often, broad 'rainbow' coalitions pushing for equality can be more successful in creating a broader form of political power-sharing with better protection for human rights. Various women's and non-aligned minority demands will resonate with different parties to the conflict in different ways. Moreover, tactical use of the diversity of women and others advocating for equality may resonate with different parties, helping to move fixed party positions, as happened in Northern Ireland through the work of an Equality Coalition or rainbow alliance of groups representative of race, women, the disabled, LGBTI, and age.

5. **Formulating clear proposals for women's inclusion, which have evidence of cross-sector support from other marginalized constituencies.** Women will need to determine whether and how they want to seek direct representation in political power-sharing governance arrangements. Lobbying will need to address how women are to be selected, who will select them, and what type of representative role they will be understood to play. For example, should parties be required to appoint women to transitional government positions? Is that enough or should 'women's representatives' be present in their own right? If so, who is to choose the women, and how are these women then to 'represent' women? These challenging questions will require significant discussion amongst women, and a level of compromise between different feminist and women's positions. The more consultation, deliberation and debate, the better the position women will be in to make clear demands of the process.

6. **Pushing for representation in the structures set up to advance the transitional deliberation.** Women will often want to seek strong representation in national dialogues, constitution-making or reform processes, and other peace agreement implementation mechanisms. Again, strategizing in advance as to how women's interests can best be achieved is important: Should there be a gender quota? How should it operate? Should parties be required to nominate women as well as men? Should a specific gender committee be established within new processes? Should international gender advisors be appointed? What clear 'bottom lines' might women want to collectively advocate for with regards to outcomes? All of these are important issues of strategy to be considered within each particular context.

7. **Asking for support and advice.** Often, where power actually lies in a power-sharing arrangement, and how it will affect women, comes down to questions of detail – what order will key ministries be allocated in, and what electoral model for proportional representation will be chosen? This challenging level of detail can be approached with the help of technical advice on how such proposals are likely to affect women in any given context. Gender equality advocates and gender advisors, and indeed mediators and parties to conflict, should seek specific advice on how the detail of power-sharing arrangements is likely to affect the representation of women within the particular electoral and power-balances of a country. It is not always clear where to go for this advice. However, UNSCR 1325 commits to supporting a gender perspective and inclusion of women in peace negotiations, and is often a key reference point in lobbying for support and advice. Importantly, advice may be needed from not just one but a range of experts pertaining to the different aspects of power-sharing – electoral design, models of power-sharing, and forms of sub-state devolution of power.

CONCLUSION

Power-sharing is a complex concept, with a wide variety of options for how it is institutionalised. Its use in conflict contexts is driven by concerns to accommodate the groups central to the conflict in joint forms of government.

So far, power-sharing has not received much attention or analysis from a gender perspective generally, or with regard to conflict in particular. Yet, when power-sharing is agreed as part of peace negotiations, it will be central to how power will be held and exercised in any post-conflict scenario, and will shape how all other reform agendas are taken forward, including the agenda for gender equality. Women and others, therefore, need to engage with these arrangements, including from gender perspectives, and be supported to further their thinking and discussions in this area.

APPENDIX A: PEACE AGREEMENTS MENTIONED

Afghanistan, Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions ('Bonn Agreement'), 5 December 2001. **https://www.peaceagreements.org/view/272/**

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. **https://www.peaceagreements.org/view/238/**

Bosnia and Herzegovina/ Yugoslavia (former), General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement), 21 November 1995. **https://peaceagreements.org/view/389/**

Bougainville, Bougainville Peace Agreement, 30 August 2001. **https://www.peaceagreements.org/view/312/**

Burundi, Burundian Constitution of 18 March 2005. **https://peaceagreements.org/view/1421/**

Burundi, Arusha Peace and Reconciliation Agreement for Burundi, 28 August 2000. **https://peaceagreements.org/view/306/**

Burundi, Accord de Partage de Pouvoir, 6 August 2004. **https://www.peaceagreements.org/view/202/**

India/ Bodoland, Memorandum of Settlement ('Bodo Accord'), 20 February 1993. **https://www.peaceagreements.org/view/30/**

India/ Darjeeling, Memorandum of Settlement, 6 December 2005. **https://www.peaceagreements.org/view/1716/**

India/ Nagaland, NSCN-IM - Union Government Joint Statement Bangkok, 23 September 2002. **https://www.peaceagreements.org/view/1833/**

Iraq, Law of Administration for the State of Iraq for the Transitional Period, 8 March 2004. **https://www.peaceagreements.org/view/1422/**

Ireland/ United Kingdom/ Northern Ireland, The Agreement Reached in the Multi-Party Negotiations (Good Friday Agreement or Belfast Agreement), 10 April 1998. **https://www.peaceagreements.org/view/556/**

Kenya, Acting Together for Kenya - Agreement on the Principles of Partnership of the Coalition Government, 28 February 2008. **https://www.peaceagreements.org/view/693/**

Kosovo/ Serbia/ Yugoslavia (former), Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accord), 23 February 1999. **https://www.peaceagreements.org/view/405/**

Macedonia/ Yugoslavia (former), Framework Agreement (The Ohrid Agreement, 31 May 2001. **https://peaceagreements.org/view/381/**

Mexico, Commitments for Chiapas by the State and Federal Governments and the EZLN under Paragraph 1.3 of the Rules of Procedure, 16 February 1996. **https://www.peaceagreements.org/view/327/**

Nepal, Interim Constitution, 15 January 2007. **https://peaceagreements.org/view/1322/**

Sierra Leone, Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL) (Lome Agreement), 7 July 1999. **https://www.peaceagreements.org/view/478/**

Sierra Leone, Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, signed at Abidjan ('Abidjan Accord'), 30 November 1996. **https://www.peaceagreements.org/view/476/**

Somalia, The Transitional Federal Charter of the Somali Republic, 29 January 2004. **https://peaceagreements.org/view/590/**

South Africa, South African Constitution of 1993 (Interim Constitution), 18 November 1993. **https://www.peaceagreements.org/view/407/**

Yemen, Agreement on the Implementation Mechanism for the Transition Process in Yemen in Accordance with the Initiative of the Gulf Cooperation Council (GCC Implementation Mechanism), 23 November 2011. **https://www.peaceagreements.org/view/758/**

Zimbabwe, Agreement between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the Two Movement for Democratic Change (MDC) Formations, on Resolving the Challenges Facing Zimbabwe (Global Political Agreement), 15 September 2008. **https://www.peaceagreements.org/view/826/**

APPENDIX B: RESOURCES

United Nations, 2017. *Guidance on Gender and Inclusive Mediation Strategies*. New York: UN Department of Political Affairs, pp. 34-36. Available at: **https://peacemaker.un.org/node/2940**.

Byrne, S., and McCulloch, A., eds., 2018. Special Issue on Power-Sharing Pacts and the Women, Peace, and Security Agenda, *Nationalism and Ethnic Politics*, 24 (2). Available at: **https://www.tandfonline.com/toc/fnep20/24/1**.

Peace Agreements

For full text of peace agreements cited from which data in this report is drawn, and searchable provision on economic power-sharing see: **PA-X Peace Agreements Database, University of Edinburgh (www.peace agreements.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 a breakdown of peace agreement provisions on gender see: **https://www.peaceagreements.org/wsearch**.

For other peace agreement databases with search functions, see further:

Language of Peace, University of Cambridge (**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**). 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 (**https://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**.

APPENDIX C: REFERENCES

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Bell, C., 2018. Power-sharing, Conflict Resolution and Women: A Global Reappraisal. *Nationalism and Ethnic Politics,* 24 (1), pp. 13-32. Available at: **https://doi.org/10.1080/13537113.2017.1422636**.

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Hartzell, C. and Hoddie, M., 2003. Institutionalizing Peace: Power-sharing and Post-Civil War Conflict Management. *American Journal of Political Science,* 47 (2), pp. 318-332.

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ENDNOTES

1   For background and more information about each of these types of power-sharing see PA-X Research Report Power-sharing Series, www.politicalsettlements.org/pax-series/

2   A full discussion of how the term can be used is beyond the scope of this report. However, this is available in a rich and extensive literature on the subject.

3   For links to all peace agreement references, please see Appendix A.

4   See article 4, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); see also, United Nations, Committee on the Elimination of Discrimination against Women, General Recommendation 25, Temporary Special Measures, UN Doc. Available at: http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf

5   The agreements were reviewed using a specially-designed database of all peace agreements from 1990-2016 – PA-X Peace Agreements Database, www.peaceagreements.org, and a related database which breaks down further provisions on women and gender – PA-X Gender: https://www.peaceagreements.org/wsearch.

6   See note 4 above, for relationship of quotas to Temporary Special Measures.

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UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes and services needed to implement these standards. It stands behind women's equal participation in all aspects of life, focusing on five priority areas: increasing women's leadership and participation; ending violence against women; engaging women in all aspects of peace and security processes; enhancing women's economic empowerment; and making gender equality central to national development planning and budgeting. UN Women also coordinates and promotes the UN system's work in advancing gender equality.