

RESEARCH  
PAPER

UNSETTLING  
BARGAINS?  
POWER-SHARING  
AND THE INCLUSION  
OF WOMEN IN PEACE  
NEGOTIATIONS



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# UNSETTLING BARGAINS? POWER-SHARING AND THE INCLUSION OF WOMEN IN PEACE NEGOTIATIONS



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# EXECUTIVE SUMMARY

This research report considers the relationship between power-sharing arrangements in peace agreements and equality of women in public life. In particular it examines

- Asserted tensions between power-sharing and equality for women.
- Whether these tensions are born out in peace agreement provisions.

The report draws on a new dataset from the Peace Agreement Access tool PA-X (see power-sharing data in tables contained in Appendix One), together with gender quota data from the Quota Project ([www.quotaproject.org](http://www.quotaproject.org)).

This report responds to what I suggest is an urgent need to develop clearer conceptual thinking on the relationship of women's equality to power-sharing in the peace and security field. It also responds to a need to work towards more systematic empirical evaluation

of the relationship. At present the relationship is driven somewhat by 'mantras'. These include on one side, the mantra that limited elite pacts are necessary for state-building and 'stability' and that other forms of 'inclusion' must be set aside, temporarily if not indefinitely, for a peace process to be successful. On the other side, the mantra is that power-sharing is 'bad' for women or incompatible with women's equality and public participation, with the implicit follow-on claim that there is a better way of doing things.

## The report observes that:

**There is a need for more sustained engagement of the women, peace and security agenda with power-sharing arrangements. In particular:**

- While there is case study evidence of ways in which peace process provision for power-sharing works to the detriment of women, there has been little sustained empirical work on this relationship.
- Conceptually, while power-sharing arrangements have standard liberal objections which are shared by women and by feminist scholars, in the case of women, these need to be understood against the backdrop of similar concerns with whether a more traditional liberalism delivers effective participation for women.
- Power-sharing remains attractive as a conflict-resolution mechanism because it offers a technique of power-splitting—politically, territorially and militarily—which is capable of providing a compromise to parties engaged in violent conflict. It is a technique, therefore, that must be engaged with by women in peace processes.
- Power-sharing arrangements also find some root in group equality rights standards which focus on equality of outcome. This is a focus that supports provision for 'special temporary measures' for women, for example in the form of legislative

quotas. The idea of UNSCR 1325 that peace processes should include 'a gender perspective' also points to the need to use processes and peace agreements to advance equality outcomes for women.

- At present there is little guidance on how to reconcile power-sharing and women's rights, and little exploration on the connections between group rights for the dominant conflict groups, and group rights focused on women.

**Data on peace agreement provision and subsequent election practice indicates that power-sharing arrangements typically make some provision for women. This suggests that there is no automatic assumption by negotiators or parties to the conflict that inclusion of women in executives and legislatures is de-stabilising of power-sharing arrangements. In particular:**

- Peace agreement provision shows that commitments to power-sharing are more often than not coupled with some type of provision for women, either in the form of provisions for specific legislative inclusion and quotas, and/or in the form of gender-specific human rights protection.
- Both for peace agreements using power-sharing which provide for women's participation and equality, and for those which do not, legislative

quotas are often provided for in subsequent elections.

- In the few cases where neither the peace agreement structure nor the subsequent electoral framework provided for inclusion of women of any type, the numbers of women represented in legislatures was unusually low (Côte D'Ivoire (11% women); Haiti (4% women); Lebanon (3% women)).

- It may be that in transitions from one regime to another, bargains focused on group participation, as well as internationalisation of peace processes, create an opportunity for successfully arguing for group measures aimed at women.
- Little is known empirically as to how provision for women plays out in practice, or their experience of power-sharing agreements in terms of broader equality and socio-economic struggle.

## The report recommends that:

1. Political power-sharing arrangements based on group identities, or integrating government and opposition political and military elites, should build in power-sharing for women, with clear representation of and gender balance of executives and legislatures implemented through electoral laws.
2. Political power-sharing provision should, where possible, consider using liberal models of power-sharing that seek to avoid rigidly prescriptive criteria for how groups are defined, and locate power-sharing within a human rights framework which pays particular attention to women's rights.
3. At pre-negotiation stages where broad commitments are made to inclusive governments, or the desirability of governments of national unity, consideration should be given to including specific reference to gender balance; and commitment to women's equality and women's rights, as these agreements tend to set the frame for later negotiations.
4. Evidence indicates that establishing power-sharing with no reference to women, and no subsequent provision for electoral quotas leads to **unusually and unacceptably low** numbers of women in legislatures. This situation should be avoided.
5. Even where political power-sharing has been established with little to no reference to women's participation and women's rights, electoral quotas appear to be possible and make a big difference to the overall participation of women. Assistance bodies, and those involved in implementation should be aware that there will be clear opportunities and often the will to include gender quotas as part of the detail of how new legislatures and even executives are established.
6. As previous research has indicated, attention needs to be paid to the type of electoral system, the sanctions in place for non-compliance, and the nature of the quota itself, as all of this impacts the outcome in terms of numbers of women elected.
7. Good practice on political power-sharing and inclusion of women should be shared.
8. Where political power-sharing is being considered by participants in peace processes, good quality technical assistance on election models and the ways in which power-sharing can take place concurrently with quotas for women, should be provided to women's organisations to assist women in formulating proposals.
9. Territorial power-sharing should include clear protections for women's rights and participation at the sub-national level. Attention should be paid to the relationship between women's rights and local customary laws, and to references in the peace agreement to traditional laws.
10. Military power-sharing should focus not just on merging armies and command structures, but also putting in place rights protections and mechanisms, civilian and democratic accountability, and ensuring representation of women throughout.
11. Military power-sharing should pay attention to the use and location of fire arms, with the aim of accounting for them and reducing them.
12. Further research on women's experience of power-sharing should be supported.
13. Further research on the outcome of power-sharing arrangements on stable political settlements should be supported.

# INTRODUCTION

Conflict resolution processes in intra-state conflict from 1990 to the present have overwhelmingly attempted to institutionalise compromises between contenders for power in the form of power-sharing. Forms of political, territorial, military and economic power-sharing have been almost invariably put in place as a result of peace settlements addressing violent conflict.<sup>1</sup> These agreements have responded to competition over power and territory, by providing a new ‘power-map’ for how power is to be held and exercised, which aims to include political-military elites formerly excluded from power. They do this by bringing warring parties into joint governance in the heart of the state’s political, legal and military structures. These bargains are unsettling not least because they enable and empower those people and structures most at the core of the conflict, carrying this influence through into the new political dispensation.

Although the relationship of power-sharing arrangements to the inclusion of women remains relatively unexplored,<sup>2</sup> a small literature touches on the relationship of equality of women with power-sharing emerging from peace negotiations.<sup>3</sup> This literature in brief, shows feminist concern over power-sharing, and political power-sharing or consociationalism in particular, because it:

- reifies the political divisions it aims to transcend to the detriment of any transformative agenda—including the transformative agendas of women;
- further empowers forms of patriarchal identity (such as nationalism) in ways which in fact lead to regression for women’s rights and empowerment; and
- is difficult to implement, meaning that all progress, including any gender gains secured through the peace process and peace agreement, may stall if it fails.

Power-sharing arrangements however, are prevalent because they offer a technique of power-splitting, which can offer a compromise to parties engaged in violent conflict. They must, therefore, be engaged with by women in peace processes. Often, women encounter arguments that these pacts are necessary to ending the conflict. There may even be resistance to opening up inclusion to groups wider than the military-political elites at the heart

of the conflict, for fear that it will destabilise the pact-making process. In essence, these arguments amount to the claim that opening up peace processes might unsettle the bargains crucial to any end to conflict.

**Although power-sharing arrangements are an almost invariable tool of conflict resolution, and the women, peace and security agenda through UN Security Council Resolutions highlights the need for effective participation and equality of women, there is little guidance for women so far on how to navigate power-sharing negotiations and outcomes.**

This report responds to what I suggest is an urgent need to develop clearer conceptual thinking on the relationship of women’s equality to power-sharing in the peace and security field. It also responds to a need to work towards more systematic empirical evaluation of the relationship. At present the relationship is driven somewhat by ‘mantras’. These include on one side, the mantra that limited elite pacts are necessary for state-building and ‘stability’ and that other forms of ‘inclusion’ must be set aside, temporarily if not indefinitely, for a peace process to be successful. On the other side, the mantra is that power-sharing is ‘bad’ for women or incompatible with women’s equality and public participation, with the implicit follow-on claim that there is a better way of doing things.

This report contributes a preliminary attempt to interrogate both these mantras, conceptually and with some new initial data that examines power-sharing provision, and provision for equality for women in peace agreements, and considers their relationship. The report attempts an initial mapping

of the questions important to policy makers, and attempts to address the stability versus inclusion debate. In conclusion, I set out some preliminary recommendations for how the women, peace and security agenda should be developed to address power-sharing dilemmas more effectively.



# I. WHAT IS POWER-SHARING, WHEN IS IT USED, AND WHAT ARE ITS RISKS FOR WOMEN?

## Power-sharing: Baseline definitions

The term power-sharing covers a wide variety of political arrangements for sharing power, each of which have different potential impacts on gender equality. Any appraisal of the relationship of women to power-sharing is complicated by the complexity of contemporary power-sharing arrangements, and the difficulty of finding a coherent core to the term ‘power-sharing’, which in itself is used to cover a range of different political, territorial and military divisions of power.

At its most basic level, the term attaches to political arrangements that aim to produce joint government between groups, with the lowest common denominator being that it attaches to attempts to

move beyond straightforward majoritarian government towards some form of group accommodation.

**As such, quotas or set-aside places for women in legislatures or public bodies based on a commitment to ‘effective participation’ would constitute a form of power-sharing, although these measures are seldom talked about using this language.**

A full discussion of how the label can most sensibly be used is beyond the scope of this article, as a rich and extensive literature attests. However, it is possible to outline the types of arrangement clearly often attracting the label ‘power-sharing’, so as to identify the different possible impacts they may have on the equality and participation of women.

## Consociationalism

Most frequently associated with the term power-sharing, and sometimes treated as synonymous with it, is ‘consociationalism’ as understood and set out by Arendt Lijphart and refined by O’Leary.<sup>4</sup> Consociational arrangements are often understood as having four classic elements: coalition government (with parties from different segments of society in coalition in executives); proportionality in the voting system and public sector; minority veto; and segmental group autonomy (conceptual or territorial).<sup>5</sup> Consociational arrangements have engendered much debate and discussion, critically for our purposes, in three areas.<sup>6</sup>

First, debate has centred on whether these arrangements are fair. Do they contravene concepts of liberal democracy in entrenching group identities at the cost of individual rights—including the rights of women? Or are they in fact a form of ‘principled realism’ which recognise the salience of group identities and power in the political settlement, and attempt to construct legitimate and even democratic structures around them?

Second, debate has centred on whether consociational mechanisms are effective. Do they create workable arrangements? Do they make ethnic conflicts better or worse? Do they enable group

identities to be managed and transcended, or do they reinforce and solidify them instead?

Third, debate has centred on what attributes of the classic conception of consociations are really essential to the concept, and to what extent it can be modified to address some of the main criticisms. Are grand coalitions necessary or can power-sharing use other forms of executive power sharing? Can liberal forms of consociationalism rather than ‘corporate consociationalism’ be identified which leave some room to individual rights and the inclusion of other groups, as well as for ethnic and national identities to be re-defined and transformed?

To a large extent critical discussion of the relationship of women to power-sharing as outlined above, can largely be understood to revolve around these questions of effectiveness, justice, and appropriate technique. Feminist criticisms are similarly positioned alongside the ‘liberal critique’ of power-sharing—even when not made in explicitly liberal terms. Like liberal critics, feminist critics tend to view

the types of nationalist or ethnic identity that are catered to and even institutionalised by power-sharing arrangements, as problematic for women. Yet, feminists in other contexts have also criticised the de-gendered identity of the person at the centre of liberalism’s ‘original position’, which drives the political structures of the liberal state.<sup>7</sup>

In practice, feminist scholars have often found liberalism’s supposed neutrality between different identities problematic as it obscures the types of ways in which the different political and social situations of disadvantaged groups—including women—need to be specifically addressed if equality is to be achieved. Moreover, both sets of criticisms are rooted in their own ‘stand-point’, and need to acknowledge that in practice, women seeking to influence peace processes to deliver inclusion and equality, often come with multiple identities, and often see their equality claims as women as linked with other equality claims in complicated ways, whether as national minorities or indigenous persons.<sup>8</sup>

## Integrationism or Centrepetalism

Sometimes also framed as a form of power-sharing is consociationalism’s main contender, ‘integrationism’ or ‘centrepetalism’, associated with Horowitz, and also developed and addressed by Sisk and Reilly.<sup>9</sup> This type of mechanism builds on the critique of consociationalism as institutionalizing group participation rooted in problematic conflict (and patriarchal) identities.

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

At one end of the spectrum, the policies can involve little more than anti-discrimination law and commitments to multicultural liberalism, which is not unusual in most liberal states. At the other end of the spectrum, to the extent that such policies acknowledge the presence and determining nature of group identities—for example, through forms of group-based territorial division and novel forms of electoral system or specified proportionality—they may be understood as a power-sharing variant. Ultimately, whether the system is viewed as having a power-sharing dimension in any meaningful sense will depend on the system’s design, and one’s view of how broadly the term ‘power-sharing’ can be used intelligibly.

Integrationism might seem to sit more comfortably with women’s rights, steering a middle course between liberalism’s individuality and consociationalism’s group approach. At the softer ‘anti-discrimination’ end of the spectrum, integrationism might seem to offer a way to reconcile

liberalism with measures which target groups as groups—an approach which supports not just forms of ethnic accommodation, but forms of affirmative action for women. Moreover, integrationism’s commitment to premising political and territorial power-sharing divisions explicitly on ethnic criteria, might seem a more attractive approach to women keen to ultimately transcend and even dismantle these divisions.

However, in practice, softer forms of group accommodation are often insufficient to persuade groups engaged in violent conflict, to cease conflict in favour of participation in a formal political settlement. As integrationism moves towards greater group rights in an attempt to displace violent political claims through enabling group accommodation, it carries

### Territorial Power-sharing

Some forms of consociationalism and integrationism use territorial divisions of power to share power between competing groups. Territorial divisions and allocations of power such as forms of federalism, confederalism, regional devolution of power, or decentralization, can all operate to disaggregate power from central majoritarian or dominant ethnic capture. These arrangements focus on accommodating groups by dividing power between central government and sub-state regional (or even civic) government so as to achieve a form of power-sharing between different pluri-national or ethnic groupings because they predominate in particular geographic areas. These arrangements can constitute a part of the broader political power-sharing package.

However, some arrangements rely purely on territorial division to divide power and create forms of group self-rule. These arrangements too are often understood to disaggregate power as a form of power-sharing. For example, in Bougainville, an island in Papua New Guinea, a separatist conflict was managed through devolving most power to autonomous island structures, with relevant ‘centralised’ powers such as over maritime boundaries and treaties, to be exercised by central government only in consultation and cooperation with the island.<sup>10</sup> Autonomy has been prevalent in

some of the same risks to the equality and individual rights of others as consociationalism. For example, attempts to design electoral structures to create incentives to group cooperation also may cut across attempts to design electoral systems which aim to increase the participation of women. Moreover, because it attempts not to base political structures overtly on identity categories, integrationism can be less transparent than consociationalism in how it hands power to ethnic or national groupings. So, for example, a federal model designed to look like a simple devolution of power like any federal system, but in reality gerrymandered to ensure ethnic self-rule, has a transparency cost. As a result, it may obscure the need to build in specific protections for women, who may be left vulnerable in the devolution of power to what is, in essence, an ethnically defined territory.

agreements reached between governments and their indigenous peoples, not least because they reflect not just the accommodation of a particular culture or identity, but a profound connection between that identity and a historical connection with particular areas of land.<sup>11</sup> In these arrangements, the autonomy is not part of a broader devolution of power to regions, but specific to the group in question and responsive to their self-determination claims. The political arrangements in essence focus on separation: the delimiting of powers between region and centre, so that many attributes of statehood are given to the devolved area, and little role contemplated for the region within central government.

Territorial divisions of power can be attractive to women because they empower government closer to local communities and political civil society spaces in which women are often better represented than in the formal national political sphere. However, they too carry clear risks. Women can find themselves within national, religious or racial mini-states who have regressive and misogynist social agendas that can emerge unchecked as central to the sub-state concept of belonging. Sub-state territorial entities may resist state-wide human rights measures because these re-introduce the power of the central state into the region.

## Military Power-sharing

In their review of the effectiveness of power-sharing arrangements, Hartzell and Hoddie argue that power-sharing is most successful when split across four different types of power-sharing: political, territorial, military and economic.<sup>12</sup> Political and territorial power-sharing involve rules for splitting power in political decision-making, and territorial governance respectively, as discussed. Economic power-sharing involves “the distribution among groups of economic resources controlled or mandated by the state,”<sup>13</sup> and almost by implication involves political power-sharing of some type, although stand-alone rules for distribution of resources may be developed.<sup>14</sup> Economic power-sharing will not be considered further in this paper.

Military power-sharing involves “[r]ules regarding the distribution of the state’s coercive power among the warring parties.”<sup>15</sup> This appears to mean provisions for merged armies, joint command structures, and the increase of democratic and civilian control and scaling back of policing roles. All of these

measures aim to constrain the political power and ‘capture’ of formerly autonomous self-organizing military blocks. However, political power-sharing can also have a military power-sharing dimension given the overlap between military and political leadership in many conflicts.

Military power-sharing potentially raises distinct human rights and equality concerns for women, relating to the ways in which it legitimises both state and non-state actors who have been responsible for conflict atrocities; and for the ways in which it leaves military structures dominant in what are meant to be societies focused on peace and democracy. Failing to dismantle the military’s capacity to be a central part of the political power-map can mean that the peace agreement merely returns them to barracks temporarily, to re-emerge and take power again later. Furthermore, military power-sharing may involve training and arming former combatants and state forces, who may therefore be further enabled in pursuing conflict should the peace process collapse.

## Complex power-sharing

While power-sharing can be analysed in terms of different models, in practice, power-sharing arrangements rarely equate with the ‘pure’ typologies of political scientists. Contemporary settlements aimed at the sharing of power, as termed by Weller and Wolff, involve ‘complex power-sharing’ which draws eclectically from the models above to fashion many permutations of power-sharing mechanisms.<sup>16</sup> Thus, some of Horowitz’s integrationist devices are used in conjunction with more consociational-type mechanisms; partial forms of consociationalism are used; territorial forms of self-government are overlaid with consociationalism at the level of the central government; or consociationalism is provided also at the levels of sub-unit governance. Military power-sharing can also be combined with any permutation or form the key arena in which power is to be shared.

Further complicating this already complex picture, are functional and temporal variations in power-sharing arrangements, in terms of what the political

goals of these arrangements are and how long they are contemplated to last. Consociational power-sharing can be established as an indefinite mechanism of government designed to achieve group accommodation in pursuit of a form of political equality (e.g. Northern Ireland). It can be used as an explicitly short-term time-limited transitional mechanism (e.g. South Africa). It can be a way of managing a disputed election provision, perhaps coupled with a process of constitutional revision (e.g. Kenya). It can also be a tool for international actors to fashion some sort of interim constitutional structure, to play a part in transitional governance and development of a new constitution (e.g. Iraq and Afghanistan). Territorial power-sharing can be used to deliver a permanent form of self-governance and a land claim entitlement to an indigenous or minority group (e.g. Canada); or used together with consociationalism which might be necessary to get buy-in to central state government (e.g. Bosnia and Herzegovina). Often power-sharing will perform several functions,

which can often be contested among parties and the international community, with its temporal limits being left unspecified and unclear.<sup>17</sup>

### **Complicating Complex Power Sharing**

In conflict situations, although receiving little acknowledgement as such in political science literature, additional dimensions significantly complicate power-sharing further. First, legislative chambers—particularly transitional ones prior to elections, but sometimes also permanent ones post-election—often include members of civil society, the army or a range of people other than elected politicians, and sometimes there are even attempts to create civic fora, with some type of governance role.<sup>18</sup> This provision for civil society inclusion can be temporary or indefinite. Again, this opens up a concept of power-sharing that runs beyond a strict notion of electoral proportionality and representative democracy, to include a notion of the legitimacy of participative democracy. Often the inclusion of civil society actors has a dividend for women, who typically find themselves under-represented in the formal political sphere, but can be equally or even over-represented in civil society. Indeed, as we will see, some power-sharing arrangements also build in quotas for women as part of their group approach.

Second, in the contemporary peace process, power-sharing often involves also sharing power between domestic and international actors rather than just among domestic actors alone.<sup>19</sup> The example of Bosnia is illustrative: an International Office of the High Representative was given authority to interpret

and implement the agreement (and later substantial legislative power as well), while all major institutions from the constitutional court to the human rights commission to the central bank were to have specified numbers of Bosniaks, Serbs, and Croats, but also internationals—effectively internationalizing what are normally domestic institutions. This ‘hybridization’ of post-settlement domestic state institutions is a relatively common feature of complex power-sharing arrangements.<sup>20</sup> From one point of view, the participation of international actors in state institutions can be understood as an extension of the mediation function of international organizations: these actors are often expected to be, in essence, ethnic reconcilers and perhaps also ‘tutors’ of good institutional practice, whose role is to underwrite and support fairness in local decision-making. However, by participating in hybridized state institutions, international actors can also be understood as part-and-parcel of the power-sharing arrangement—another party, with its own set of interests with whom power is to be shared.<sup>21</sup> This perspective has human rights and equality consequences. First, international actors can find themselves subject to human rights challenges when they abuse their ‘share’ of power—and allegations of sexual violence have been at the centre of such charges of abuse of power. It is often difficult however, to hold international actors accountable for equality and human rights violations. Second, it means that those international organisations who promote normative standards, including those supporting the equality and participation of women, are themselves part-and-parcel of the conflicted state’s political settlement.

## **When and how is power-sharing used and with what success?**

Power-sharing is so ubiquitous as a conflict resolution device because it enables power to be ‘split’ more than shared, and thus provides a vehicle for compromise between the absolutist claims to power and territory that drive violent conflict. However, this approach to conflict resolution is really one of conflict management. In a deep sense, it ‘translates’ the conflict into political structures—and ideally a less violent form—rather than eliminating it. There are different drivers for power-sharing, which push to different models in different types of conflict and conflict resolution processes.

### **Self-determination / secession conflicts**

In self-determination disputes, complex forms of political and territorial power-sharing are often used to ‘split power’ between contending groups to reach some form of compromise between the status quo of the existing state, and secession of a part of the state. While often formally affirming the territorial integrity of the state, complex power-sharing arrangements operate in essence to re-configure the state’s power-map, by devolving forms of self-government often coupled with power-sharing arrangements relating to regions which give minorities heightened representation in

the central government structures. Rather than ‘resolving’ the conflict, these power-sharing arrangements operate much more as a form of ‘principled realism’ that acknowledges the salience of group identities and builds them into the political settlement, which then operates as a relatively unsettled on-going conflict resolution mechanism. Peace agreements in Bosnia and Herzegovina and in Northern Ireland, illustrate these types of ‘solution’ and the way in which the political settlement instituted translates the conflict into the formal political institutions.

### **Authoritarian or ideological conflicts**

These conflicts have tended to rely less on territorial and political power-sharing than on forms of military power-sharing which attempt to reduce the ‘capture’ of the military and the conflicted state’s monopoly on the use of force by one political grouping. These arrangements are often coupled with more traditional forms of liberal democratic renewal, which attempt to institute liberal democracy as the vehicle for on-going conflict resolution. Critically, this renewal process typically involves giving rebel groups some sort of access to political institutions—often in the form of assistance to organise as a political party, and sometimes also with reserve seats in the legislature—and, crucially, integrating them in the military.

Peace processes in Guatemala, Colombia and Mozambique illustrate this approach. In the peace processes of Latin America, the military’s capacity for recapturing the state was further limited by mechanisms of democratic accountability and vetting processes. This has not, however, been the only power-sharing model. Sometimes authoritarian/ideological disputes have seen a measure of transitional political power-sharing with consociational dimensions, to enable a transition from an authoritarian regime to a democratic one in the form of transitional governments of national unity. Peace agreements in El Salvador, and in South Africa, used forms of transitional power-sharing to transfer power from old regime, to new dispensation. They have also seen elements of territorial decentralisation as a technique of conflict resolution.

### **Democratic dead-lock power-sharing**

More recently, power-sharing has been instituted beyond the strict ‘peace settlement’ context in

Kenya and Zimbabwe (and also mooted in Côte D’Ivoire) as a tool for managing the conflict associated with the incumbents’ refusal to accept electoral outcomes which deposed them.<sup>22</sup> Here, forms of power-sharing intended as ‘transitional’ have enabled the incumbent regime to stay in power by sharing power with the new electoral winners, while an institutional transformation of the state is attempted—not always successfully. This use of power-sharing is rooted in what can be understood as a wider pattern in Africa which uses political power-sharing in the form of transitional governments of national unity, to manage a range of disruptions to democratic politics and attempts to transition back to elections (see tables below).

### **Western-democratic power-sharing**

Alongside the above three conflict resolution uses of different forms of power-sharing, it is worth noting that power-sharing is not unique to conflict societies and post-conflict political, territorial and military structures. Complex power-sharing arrangements have become ubiquitous across the globe. Long-standing power-sharing arrangements have remained, in countries such as Belgium, albeit often with tensions and pressure to revise. Adding to these are new power-sharing arrangements arising from moves by Western liberal democratic states to accommodate historically dispossessed groups. Countries such as Canada, New Zealand, and Australia, have conceded territorial autonomy to indigenous groups, providing mechanisms of self-government that often use the language of self-determination.<sup>23</sup> These autonomy arrangements can be considered a form of territorial power-sharing and have been propelled under pressure of successful group land claims by indigenous or aboriginal peoples in domestic courts. In short, a form of international and global institutionalisation of ‘group rights’ or ‘multicultural liberalism’ able to accommodate rather than assimilate marginalised groups, has taken hold globally. Indeed, the idea of ‘special temporary measures’ for women (such as quotas in legislatures where women are under-represented) as compatible with international human rights law, owes much to this development as discussed below.

- A study of human rights and power-sharing agreements indicates that both references to women in peace agreements, and human rights provisions in peace agreements are frequent

and have increased over time, indicating that forms of accountability and inclusion are not routinely viewed as threatening to power-sharing agreements.<sup>24</sup>



## II. WHY WE NEED TO TALK ABOUT POWER-SHARING

Power-sharing arrangements emerging as deals between powerful actors at the heart of waging war remain deeply unsettling. Despite this, where these actors represent in some sense ethnic or national groupings, the proliferation of power-sharing mechanisms also bears some relationship to the equality standards of international human rights law.<sup>25</sup> Specialist human rights provision for national minorities, indigenous peoples and even women, appears to point to a need to permit, and even promote or require, certain forms of power-sharing as a means of ensuring the effective participation of groups that majoritarian political systems often under-represent. Human rights bodies appear to permit and even promote quotas for women, even where domestic or other regional equality standards view them as problematic.<sup>26</sup>

UNSC Resolution 1325 (2000) requires that a gender perspective be adopted in negotiating peace agreements, specifically with regard to “[m]easures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary” and participation of women more broadly (paragraph 8). While not requiring political powersharing as consociationalism, these measures establish a means of political power-sharing more broadly understood, in that they move from majoritarian notions of proportionality to proportionality based on group identity. Yet so far, there has been little guidance on how the potentially competing imperatives to group and individual equality can be made to work together.

Feminist analysis also needs to be somewhat wary of how concern with power-sharing plays into a broader set of dynamics, in which women often will be just as uncomfortable than they are with power-sharing itself. Power-sharing arrangements, while popular with mediators, elsewhere are under attack. Such arrangements are being subjected to adjudication by courts, in what can be viewed as part of a general trend towards juristocracy, that is, judicial empowerment with

respect to how the business of government is conducted. Proposed power-sharing arrangements can be the subject of domestic constitutional challenge, often on the basis of a violation of the constitution’s rights provisions. These arrangements receive attention from human rights treaty enforcement bodies and are the subject of judgement in international human rights courts.<sup>27</sup>

The peace agreement era that generated so many power-sharing innovations has entered a new phase characterized by international scepticism and increased international intervention, which may even be a phase of demise.<sup>28</sup> Mediated peace settlements are no longer looked upon as end points of negotiations and permanent contracts for a new constitutional order. Rather, they are viewed increasingly as ‘road-maps’ towards a constitutional destination that remains contested. International organizations contemplate that they will likely remain involved in complex implementation projects, and this involvement tends to be built into the agreement’s framework.

Against this backdrop, human rights review of settlement arrangements has taken on increased significance, with retreat to more traditional



individualistic understandings of human rights and equality increasingly a signifier of ‘normalization’ and a formal benchmark for international exit strategies from conflict jurisdictions.<sup>29</sup> As a result, human rights law—which flirted from around 1992 onwards with underwriting innovative forms of group accommodation through the promulgation of new standards on the effective participation of indigenous peoples and on national and linguistic minorities, and embraced quotas or ‘set aside seats’ for women—have not only failed to articulate a clear jurisprudence for guiding the relationship between individual and group dimensions of equality, but now appear to be retreating to an individual concept of equality altogether.<sup>30</sup> The move towards a US-style equal protection analysis that views group rights with suspicion is likely to negatively impact attempts to increase women’s participation.

At this particular point in time, the approach of contemporary international human rights law to equality appears to find itself at a crossroads between individual rights and group accommodation. The result is a patchwork of inconsistent court decisions and treaty body conclusions, and mixed messages emanating from international organizations which promote both power-sharing and human rights and equality standards—a situation that leaves ‘special measures’ for women somewhat caught in the middle and vulnerable.

Moreover, as noted earlier, criticism of power-sharing must also factor in some sort of assessment of the relative equality opportunities of alternative models of conflict resolution. Liberal democracy has been the subject of much feminist criticism as being incompatible with any transformative approach to women’s equality. It is charged with being rooted in patriarchal structures that it has difficulty in recognising and challenging because of its central premise of neutrality. Traditional liberal democracy has opposed quotas for women and other forms of affirmative action and as a result, Western liberal democracies such as the UK and the US, which have largely refused to institutionalise representative politics, have below average

representation of women in political institutions and public life more generally. Moreover, liberal democracy often cannot be easily imposed on ethnically divided societies in any case, and fails to offer incentives to conflict protagonists to move from violence.

Failure to address the relationship of women to power-sharing in the women, peace and security agenda, and indeed in the academic literature, leaves many women seeking to influence peace negotiations disempowered as regards shaping what will be the centre-piece of any peace negotiation. If women are to intervene effectively to shape the equality outcome of the peace process, they must understand:

- When and why power-sharing emerges as the centre-piece of a peace negotiation;
- What the costs of different types of power-sharing arrangements are likely to be for women;
- What options are available within the power-sharing suite of ‘techniques’ which might mitigate some of those costs;
- How to address arguments of a stability versus inclusion trade-off where attempts to open up power-sharing pacts to gender inclusion are alleged to be unhelpfully disruptive to elite pacts; and
- The consequences of opposing power-sharing for any attempt to advocate and institutionalise measures which focus on ‘equality of result’ for women, such as legislative quotas.

What follows is an initial contribution to addressing these issues using preliminary analysis on how peace processes and their agreements have dealt with both power-sharing and equality for women. The analysis uses data on peace agreements taken from the author’s on-going development of a peace agreement tool PA-X (Peace Agreement Access tool) to evaluate some of the above dilemmas.

In particular the data is used to explore:

- a. What types of power-sharing arrangements have been at the heart of peace settlement terms; and
- b. What has been their relationship to institutional provisions for women?

## When and how do peace negotiations produce power-sharing arrangements?

The collection and analysis of peace agreements contained in PA-X shows that between 1990 and 2015, over 1160 peace agreements have been signed in around 114 conflicts, with some jurisdictions having had several conflicts. As these figures illustrate, most of the conflict resolution processes—even relatively successful processes—have had multiple agreements signed dealing with those conflicts. Peace agreement document trails indicate that the signing of an agreement is never a once-off ‘event’, but rather that a peace process has moments of agreement, which shape and define the on-going political bargaining process over access to power, that typically results in further agreements.

If one includes in the definition of power-sharing political, territorial, military and forms of economic power-sharing, then virtually all the conflict resolution attempts in intrastate conflict involve power-sharing. However, to provide more focused analysis this report concentrates on forms of political power-sharing

which involve at least partial consociationalism, as in the form of executive coalition, and some proportional representation in legislatures (although often in the immediate aftermath of conflict these are not elected and are instead appointed by the parties signing the agreement and/or international actors).

From analysis of their content, agreements in 48 conflicts (42 per cent) had some sort of power-sharing. Agreements in 41 conflicts provided for clear political power-sharing involving executive coalition in principle or in practice, or a level of strong proportionality in legislatures and decision-making, as listed in tables 1 and 2.<sup>31</sup> A further 7 conflicts involved forms of ‘set aside’ or reserved seats in legislatures for the representatives of armed opposition groups as listed in table 3. In some conflicts these were coupled with measures which aim to enable rebel groups to transform into political groups capable of gaining power through elections rather than force (see Colombia).

## Where are women in power-sharing agreements?

Out of the 41 processes with agreements providing for political power-sharing involving executive coalitions or substantial group proportionality in the legislature, only 13 (33 per cent of those political power-sharing conflicts), did not make any significant provision or mention of women: peace agreements in Afghanistan in the 1990s; Central African Republic, Côte D’Ivoire, Gabon, Guinea Bissau, Haiti, Kenya; Lebanon; Mauritania; Niger; Palestine (between Fatah and Hamas); Rwanda and Tajikistan (table 1).<sup>32</sup> In these agreements some form of power-sharing executive was committed to, without any reference to women.

Interestingly, however, when this set of conflicts is compared with data on gender quotas, it shows that even in the 13 processes which provided for some sort of power-sharing without any reference to women, for the seven of these processes for which information on elections and gender quotas was available, four out of these seven had legislative quotas for women with regard to legislatures. These quotas translated on the whole into both high and low levels of women’s participation (Kenya

(65 per cent women); Mauritania (25 per cent women); Niger (13 per cent women); Rwanda (64 per cent women)).

**Without exception, however, conflicts with power-sharing that had neither reference to women in peace agreements nor legislative quotas, subsequently had very low levels of women’s participation** (Côte D’Ivoire (11 per cent women); Haiti (4 per cent women); Lebanon (3 per cent women). The figures are too small to provide a statistical assessment, but nonetheless, this data provides some evidence that peace agreement provision on power-sharing can usefully be supplemented with electoral quotas at a later stage, even when not committed to in the agreement, and that these quotas are not seen as destabilising of the power-sharing agreements. However, the data also indicates that power-sharing arrangements with no reference to women and no subsequent legislative quotas often lead to very low levels of participation—although here some caution must be expressed as this apparent link could reflect other endogeneity factors relating to the types of conflict.

Agreements in 28 other conflicts (20 per cent of those conflicts involving power-sharing) featured complex power-sharing arrangements with consociational dimensions and made provision for women. These peace agreements generally made provision in one of two ways.

First, agreements in 16 conflicts (39 per cent of those conflicts involving power-sharing) provided for some type of commitment to participation of women in legislatures and governments. Agreements in Afghanistan (contemporary), Bangladesh (Chittagong Hills Tract), Burundi, Democratic Republic of Congo, Liberia, Madagascar, Maldives, Nepal, Somalia, Sri Lanka (Tsunami relief only), Darfur Sudan; Eastern Sudan, Togo, Uganda, Yemen, and Zimbabwe, all made some reference to the need for governments to include representation of women, whether by specifying particular quotas (e.g. Burundi), or expressing the need in general terms (e.g. Yemen). See table 2 below. In these conflicts there was therefore some attempt to ensure gender representation along with power-sharing provisions based on other forms of identity.

**However, it is worth noting that quite often while the provision for power-sharing across parties was clearly specified in mathematical terms, references to the inclusion of women was often more general.**

There are other agreements which did not provide for quotas or representation, but did provide for women's rights, often in a context of some sort of over-arching human rights framework. Agreements in Bosnia Herzegovina, and its sub-state Bosnian-Croat Federation; Chad; Comoros/Anjouan; Kosovo; Mexico/Chiapas; Nepal; Northern Ireland; Darfur/Sudan; and South Africa made provision for women's rights.<sup>33</sup> These comprise 10 out of 41 or 24 per cent of conflicts involving power-sharing. Here, provision for women's rights can be understood, as part of the consociational mechanism rather than apart from it. These human rights frameworks operate as part of a more 'liberal' dimension to the power-sharing arrangement, intended perhaps to ameliorate its corporate dimensions.

O'Leary has argued that liberal consociationalism which splices group rights measures with strong protection for individual rights, responds to many of the criticisms of corporate consociationalism as creating unchangeable power-blocks.<sup>34</sup> Human rights

measures operate to further disaggregate power. While the provision in many of these agreements for women's equality was not strong, it is nonetheless significant. The women's rights provision in Dayton, and in the Washington Agreement looks rather meagre, amounting to a mere reference to the incorporation of CEDAW and the Married Women's Convention. Yet, this provision has to be understood as part of the incorporation of thirteen human rights conventions, which were understood to locate the Dayton Peace Agreement power-sharing arrangements in a wider commitment to liberal values, with the institutions of liberalism intended to provide a vehicle to 'unwind' ethnic divisions over time. In fact, this was a hugely optimistic and unrealistic reading of the liberal democratic 'hand' international implementers had dealt themselves. However, where consociational mechanisms set out in peace agreements have later been institutionalised domestically in 'peace agreement' constitutions, they have often included a robust human rights framework with extensive provision for women's rights, for example in the Comoros, in Zimbabwe, and in Nepal – although these constitutions are not without their problems.

Again, if one turns from examining just the peace agreement provision to examine the type of electoral system that is put in place after a power-sharing agreement is signed, the results are interesting. As regards conflicts and peace agreements which made provision for both power-sharing and women's participation in governments and/or legislatures, all but one for which information was available (Liberia) subsequently provided for legislative quotas for women. As regards those which provided for rights-based power-sharing the information on quotas was too patchy (many of these agreements involved sub-state power-sharing, for which no reliable electoral information was available).

On the whole, therefore, out of the 41 conflicts providing for political power-sharing for which information was available (26 conflicts), 21 or 80 per cent provided for legislative quotas for women. Again the figures are small for statistical conclusion, and no real correlation between power-sharing and quotas can be established. Nonetheless, it can be said that legislative quotas are often implemented post a power-sharing pact, which

at least provides some evidence that they are not understood to be inconsistent with past political power-sharing provision. The reasons for this would have to be further investigated, but may include:

- That commitments to gender quotas are often easier to secure in the context of a fundamental change to the political system, such as occurs through a peace agreement.<sup>35</sup>
- That resistance to quotas for women is less when the entire system of government is constructed around other forms of quota in any case. It is difficult to sustain principled objection to quotas for women, or argue that women will somehow be present in legislatures or executives on a less meritorious basis than men, when quotas form the basis for which men are on the executive and legislature.
- That peace processes brought internationalisation and external electoral assistance which promoted use of gender quotas.<sup>36</sup>
- That the symbolic institutionalisation of one form of inclusion leads to greater citizen mobilization for other forms of inclusion, including that of gender.<sup>37</sup>
- That the peace processes with resort to fully blown consociationalism tend to be internationalised (or the type of states that had peace processes were) with various forms of international pressure and technical assistance instituted once an agreement is signed—in particular electoral assistance—that might have promoted use of quotas.

In summary this review of peace agreement provision for political power-sharing and women shows that:

- Power-sharing arrangements typically make some provision for women indicating that there is no automatic assumption by negotiators or parties to the conflict that inclusion of women in executives and legislatures is de-stabilising of power-sharing arrangements.
- Peace agreement provision shows that commitments to power-sharing are more often than not coupled with some type of provision for women, either in the form of provisions for specific legislative inclusion and quotas, and/or in the form of gender-specific human rights protection.
- Both for peace agreements using power-sharing which provide for women's participation and equality, and for those which do not, legislative quotas are often provided for in subsequent elections.
- In the few cases, where neither the peace agreement structure nor the subsequent electoral framework provided for inclusion of women of any type, the numbers of women represented in legislatures was unusually low (Côte D'Ivoire (11 per cent women); Haiti (4 per cent women); Lebanon (3 per cent women).
- Little is known empirically as to how provision for women plays out in practice, or their experience of power-sharing agreements in terms of broader equality and socio-economic struggles.

# CONCLUSIONS AND RECOMMENDATIONS

UNSCR 1325 and its successors contemplate that negotiated settlements will be used to end conflict, and advocate that a ‘gender perspective’ must be adopted, and that women must be included in peace negotiations (paragraph 8). As long as negotiated settlements to conflict are here to stay then power-sharing compromises are here to stay. These arrangements focus on the need for pacts between military-political elites, as a central requirement of stability and reduction in violence. While the pacts may be very unsettling to women, and indeed to

others who support inclusive democratic politics, imposing more straightforward forms of liberal democracy are often not possible and some element of group accommodation is often desirable in divided societies. Responses to power-sharing by women cannot take place in the abstract but must respond to the relative merits or demerits of the available alternatives, if they are to remain more than the wilderness cry of the dispossessed. Accessing power on a basis of equality involves engaging with power-brokering dynamics.

## The conceptual analysis and data set out above suggests the following recommendations for design of power-sharing arrangements:

1. Political power-sharing arrangements based on group identities, or integrating government and opposition political and military elites, should build in power-sharing for women, with clear representation and gender balance of executives and legislatures implemented through electoral laws.
2. Political power-sharing provision should, where possible, consider using liberal models of power-sharing that seek to avoid rigidly prescriptive criteria for how groups are defined, and locate power-sharing within a human rights framework which pays particular attention to women’s rights.
3. At pre-negotiation stages where broad commitments are made to inclusive governments, or the desirability of governments of national unity, consideration should be given to including specific reference to gender balance and a commitment to women’s equality and women’s rights, as these agreements tend to set the frame for later negotiations.
4. Evidence indicates that establishing power-sharing with no reference to women, and no subsequent provision for electoral quotas leads to **unusually and unacceptably low** numbers of women in legislatures. This situation should be avoided.
5. Even where political power-sharing has been established with little to no reference to women’s participation and women’s rights, electoral quotas appear to be possible to achieve, and can make a big difference to the overall participation of women. Assistance bodies, and those involved in implementation should be aware that there will be clear opportunities and often the will to include gender quotas as part of the detail of how new legislatures and even executives are established.
6. As previous research has indicated, attention needs to be paid to the type of electoral system, the sanctions in place for non-compliance, and the nature of the quota itself, as all of this impacts the outcome in terms of numbers of women elected.
7. Good practice on political power-sharing and inclusion of women should be shared.
8. Where political power-sharing is being considered by participants in peace processes, good quality technical assistance on election models and the ways in which power-sharing can take place

concurrently with quotas for women, should be provided to women's organisations to assist women in formulating proposals.

9. Territorial power-sharing should include clear protection for women's rights and participation at the sub-national level. Attention should be paid to the relationship between women's rights and local customary laws, and references in the peace agreement to traditional laws.
10. Military power-sharing should focus not just on merging armies and command structures, but also

putting in place rights protections and mechanisms, civilian and democratic accountability, and ensuring representation of women throughout.

11. Military power-sharing should pay attention to the use and location of fire arms, with the aim of accounting for them and reducing them.
12. Further research on women's experience of power-sharing should be supported.
13. Further research on the outcome of power-sharing arrangements on stable political settlements should be supported.

**TABLE 1:**

**Conflicts with power-sharing and no reference to women in peace agreements (Sources: on peace agreement provision Bell, PA-X on quotas, QuotaProject [www.quotaproject.org](http://www.quotaproject.org))**

Conflict	Power-sharing	Agreements	Gender Quotas
Afghanistan (1990s)	Transitional Power-sharing	Afghanistan Peace Accord (Islamabad Accord) 07/03/1993 Peshwar Accord 24/04/1992	No information available
Central African Republic	Accord de paix global entre le Gouvernement de la République Centrafricaine et les et les mouvements politico-militaires centrafricains désignés ci après : Armée Populaire pour la Restauration de la Démocratie (APRD), Front Démocratique du Peuple Centrafricain (FDPC), Union des Forces Démocratiques pour le Rassemblement (UFDR) 21/06/2008 (provision for a involvement of the Front Démocratique du Peuple Centrafricain et de l'Union des Forces Démocratiques pour le Rassemblement in the restructuring to the state 'in a spirit of reconciliation and conformity with the provisions of the Constitution'. Accord de paix entre le Gouvernement de la République Centrafricaine et les mouvements politico-militaires centrafricains ci-après désignés : FDPC et UFDR (Syrte Agreement) 02/02/2007 (as above with parties of this agreement)	p.1) Préambule ... Considérant la volonté constant de Son Excellence, Le Général d'Armée François BOZIZE, Président de la République..., de promouvoir la tolérance, le dialogue et la réconciliation de toutes les filles et de tous les fils de Centrafrique;  As above.	No information available

Conflict	Power-sharing	Agreements	Gender Quotas
Côte D'Ivoire	Transitional Power-sharing (note lack of provision for women took place, despite UN SC Resolution 1721 (2006) provision (article 18) which: 'Encourages the Prime Minister to seek, as appropriate, the active involvement of civil society in moving the peace process forward, and urges the Ivorian parties, the High Representative for the Elections together with UNOCI to take account of the rights and resources of women and of gender considerations as set out in resolution 1325 (2000) as cross-cutting issues in the implementation of the peace process including through the consultations with local and international women's groups' (p. 4))	Premier accord complémentaire à l'accord politique de Ouagadougou, 27/03/2007 Pretoria Agreement on the Peace Process in Côte d'Ivoire ('Pretoria I'), 06/04/2005 Accra III Agreement on Côte d'Ivoire, 30/07/2004 Accord Accra II (Ghana) sur la crise en Côte d'Ivoire (French) 07/03/2003 Linass-Marcoussis Agreement 23/01/2003	No legislative quotas (one party has voluntary quota) Reserved seats Women: 11% (2012)
Gabon	Transitional Power-sharing	Accord de Paris, 27/09/1993	No information available
Guinea Bissau	Transitional Power-sharing	Additional Protocol to the Abuja Accord of 1 November 1998 Concerning the Formation of the Government of National Unity of Guinea-Bissau 15/12/1998 Agreement between the Government of Guinea Bissau and the Self-proclaimed military junta ('Abuja Accord') 01/11/1998	No information available
Haiti	Transitional Power-sharing	Protocol of agreement between President Jean-Bertrand Aristide and Prime Minister-Designate René Théodore under the auspices of the Organization of American States (OAS) 25/02/1992	Legislative quotas lower and upper house, The Constitution as amended in 2012 recognizes the principle of a minimum quota of 30% for women at all levels, especially in public life (Article 17.1). The Constitution further requires that all laws related to political parties, their structures and functional mechanisms need to reserve minimum 30% of positions for women (Article 30.1.1). Two round system Women: 4% (2010 – election prior to quota)
Kenya	Transitional Power-sharing	Acting Together for Kenya - Agreement on the Principles of Partnership of the Coalition Government 28/02/2008 National Accord and Reconciliation Act 2008 28/02/2008	Legislated quotas for lower and upper house and subnationally. Voluntary quotas First past the post Women: 65% (2013)



Conflict	Power-sharing	Agreements	Gender Quotas
Lebanon	Indefinite specified power-sharing	Doha Agreement on the Results of the Lebanese National Dialogue Conference 21/05/2008  Le Document d'Entente Mutuelle entre le Hezbollah et le Courant Patriotique Libre 06/02/2006	No legislated or voluntary quotas Block vote Women: 3% (2009) (Note proposal now submitted to promote the participation of women in municipal councils in proportional numbers according to the principle of equality between the sexes).
Mauritania	Transitional Power-sharing	Accord cadre de Dakar entre les trois grands pôles politiques mauritaniens 03/06/2009	Legislated quotas for lower and upper house and sub-nationally. Two round system Women: 25% (2013)
Niger	Transitional Power-sharing	Accord établissant une paix définitive entre le Gouvernement de la République du Niger et l'Organisation de la Résistance armée 15/04/1995  Accord de Paix entre le Gouvernement de la République du Niger et la Coordination de la Résistance armée (Ouagadougou Accord)	Legislated quotas for lower and upper house and sub-nationally. Voluntary quotas. List PR Women: 13% (2011)
Palestine (Fatah and Hamas)	Indefinite power-sharing	Agreement between Fatah and Hamas 03/05/2011	Information not available
Rwanda	Transitional Power-sharing	Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front ('Arusha Agreement') 04/08/1993  Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front 30/10/1992 ((no reference to women, except Article 56 provides: The nominative distribution of portfolios [for government] shall be as follows: . . . 5. Ministry of Family Affairs and Promotion of the Status of Women)	Legislated quotas for lower and upper house and sub-nationally and voluntary quotas. List PR Women: 64% (2013)



Conflict	Power-sharing	Agreements	Gender Quotas
Tajikistan	Indefinite Power-sharing	<p>Protocol on Political Issues 18/05/1997</p> <p>The Bishkek Memorandum 18/05/1997</p> <p>Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation 21/02/1997</p> <p>Statute of the Commission on National Reconciliation 21/02/1997</p> <p>Protocol on the Main Functions and Powers of the Commission on National Reconciliation 23/12/1996</p> <p>Protocol on the fundamental Principles for establishing Peace and National Accord in Tajikistan 17/08/1995</p>	Information not available

**TABLE 2:**  
**Conflicts with power-sharing and provision for women**

Conflict	Agmt and Power-sharing	Women	Quotas
Afghanistan (contemporary)	Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions ('Bonn Agreement') 05/12/2001 (transitional power-sharing in Emergency Loya Jirga, paving way to 'broad-based, gender-sensitive, multi-ethnic and fully representative government')	<p>Preamble: Noting that these interim arrangements are intended as a first step toward the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government, and are not intended to remain in place beyond the specified period of time,</p> <p>III. Interim Administration III.A.3. The Chairman, the Vice Chairmen and other members of the Interim Administration have been selected by the participants in the UN Talks on Afghanistan, as listed in Annex IV to this agreement. The selection has been made on the basis of professional competence and personal integrity from lists submitted by the participants in the UN Talks, with due regard to the ethnic, geographic and religious composition of Afghanistan and to the importance of the participation of women.</p>	<p>Upper and lower house quotas.</p> <p>Single non-transferable vote</p> <p>Women: 28% (2010)</p> <p>According to Article 83 of the 2004 Constitution, 68 of the 249 total seats (27%) in the Lower House (Wolesi Jirga) are reserved for women, comprising at least 2 women for each of the 34 provinces of the country.</p>

Conflict	Agmt and Power-sharing	Women	Quotas
		<p>III.C.2 [...] The Special Independent Commission will ensure that due attention is paid to the representation in the Emergency Loya Jirga of a significant number of women as well as all other segments of the Afghan population.[...]</p> <p>V.4. The Interim Authority and the Special Independent Commission for the Convening of the Emergency Loya Jirga will ensure the participation of women as well as the equitable representation of all ethnic and religious communities in the Interim Administration and the Emergency Loya Jirga.</p> <p>Vice Chair and Women Affairs, offices held together</p>	
Angola/Cabinda Province	Assembleia Nacional, Resolução No 27-A/06 (Memorandum of Peace and Understanding in Cabinda Province) 01/08/2006 (integration of ex-Front for the Liberation of Cabinda in Cabinda Forum for Dialogue, to dialogue on a Government of Unity and Reconciliation.	<p>ANEXO 2/7 DO ANEXO7 Estatuto Especial da Província de Cabinda ... TÍTULO II Governo de Província de Cabinda ... CAPÍTULO III Competências Especiais do Governo Provincial de Âmbito Geral ARTIGO 15° (Competências de natureza económica e social) .... i) assegurar o apoio ao desenvolvimento das funções específicas da família e promover a igualdade de oportunidades para as mulheres no âmbito social e laboral. .... CAPÍTULO IX Vice-Governadores ARTIGO 42° (Competência) ... 2. Ao Vice-Governador para o sector social e de organização compete coadjuvar o Governador Provincial na coordenação e execução das tarefas ligadas às seguintes áreas: ... d) justiça, família e promoção da mulher, comunicação social, administração pública, emprego e segurança social, ciência e tecnologia;</p>	<p>Angola-wide information. Lower house legislated quotas (none at sub-national level)</p> <p>List PR</p> <p>Women: 34% (2012)</p>
Bangladesh/ Chittagong Hills Tract	Agreement between the National Committee on Chittagong Hill Tracts Constituted by the Government and The Parbattya Chattagram Janasanghati Samity 02/12/1997 (establishing a power-sharing government at the Hill Council level, itself also a form of territorial power-sharing)	<p>B) (Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL</p> <p>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.</p>	<p>Legislated quotas at lower house and sub-national level.</p> <p>First past the post</p> <p>20% (2014)</p>

Conflict	Agmt and Power-sharing	Women	Quotas
		<p>C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL</p> <p>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 Khyang 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.</p> <p>4. Three seats shall be reserved for women in the Council, one-third of which will be non-tribal.</p>	<p>According to Article 9 of the Fundamental Principles of State Policy of the Constitution of Bangladesh, and through the Local Governmental (Union Parishad) Act of 1997, 3 directly-elected seats are reserved for women in the union parishads (1 from each of the 3 wards), the lowest level of councils in the sub-national administration.</p>
Bosnia and Herzegovina	General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement) 21/11/1995 (full consociational power-sharing between Bosniacs, Serbs and Croats, with territorial autonomy)	Anti-discrimination on basis of sex included as a right. Incorporation 1957 Convention on the Nationality of Married Women and 9. 1979 Convention on the Elimination of All Forms of Discrimination against Women	<p>Legislated quotas lower house.</p> <p>List PR</p> <p>Women: 21% (2014)</p>
Bosnia-Croatia	Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina, Dayton 10/11/1995 (full consociational power-sharing between Bosniacs and Croats at the sub-national level, with further territorial devolution of power)	<p>Article 1.7.b. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship arbitrarily or so as to leave him or her stateless. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.</p> <p>Article 11.4. Non-Discrimination. The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.</p>	No sub-regional information available

Conflict	Agmt and Power-sharing	Women	Quotas
		<p>Annex 1, ADDITIONAL HUMAN RIGHTS AGREEMENTS TO BE APPLIED IN BOSNIA AND HERZEGOVINA includes</p> <p>4. 1957 Convention on the Nationality of Married Women</p> <p>9. 1979 Convention on the Elimination of All Forms of Discrimination against Women</p> <p>Annex 6, AGREEMENT ON HUMAN RIGHTS</p> <p>Article 1.14 (14) The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in the Annex to this Constitution secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.</p> <p>Article II, Establishment of Human Rights Commission to consider inter alia</p> <p>II.2.b. alleged or apparent discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status arising in the enjoyment of any of the rights and freedoms provided for in the international agreements listed in the Appendix to this Annex</p> <p>Note: earlier proposed plans also included these provisions</p>	
Burundi	Accord de Partage de Pouvoir au Burundi (full consociational power-sharing between Hutus and Tutsis, with set aside places for Twa and Women)	<p>Article 8 addresses the imperative of gender equality.</p> <p>Article 13 L'Assemblée nationale est composée de 60% de députés Hutus, de 40% de députés Tutsi et de 3 députés de l'ethnie Twa, avec un minimum de 30% de députés étant des femmes.</p> <p>Article 14 Afin d'assurer que l'équilibre ethnique et de genre spécifié dans l'Accord d'Arusha pour la Paix et la Réconciliation de l'an 2000 se réalise, le mécanisme de cooptation sera utilisé pour adresser un déséquilibre qui peut résulter des élections.</p> <p>Article 15 Le Sénat est constitué sur la base de représentation à 50/50% de Hutus et de Tutsis et de trois sénateurs de l'ethnie Twa, avec un minimum de 30% de sénateurs étant des femmes.</p>	<p>Legislated quotas, lower house, upper house, sub-national level</p> <p>List PR</p> <p>32% (2010)</p> <p>2005 constitution institutionalises power-sharing and quota for women</p>

Conflict	Agmt and Power-sharing	Women	Quotas
	<p>Arusha Peace and Reconciliation Agreement for Burundi 28/08/2000 (general principles for power-sharing)</p> <p>Ceasefire Agreement between the Transitional Government of Burundi and the Conseil National pour la Defense de la Democratie-Forces pour la Defense de la Democratie 02/12/2002 (Provides for the establishment of a power-sharing system within the framework of an inclusive Transitional Government, with CNDD-FDD taking part in the power-sharing arrangements).</p> <p>Agreement Embodying a Convention on Governance between the Forces for Democratic Change and the Political Parties of the Opposition 10/09/1994 (commits to a form of shared government)</p>	<p>Entres autres, le Sénat est doté des compétences d'approuver les amendements à la Constitution et aux lois organiques et de contrôler l'application des dispositions constitutionnelles exigeant la représentativité ethnique, tribale, religieuse, culturelle, régionale et de genre et l'équilibre dans tous les structures et les institutions de l'État.</p> <p>Article 19 L'administration de l'État est composée d'une telle façon qu'elle est représentative de la nation burundaise, reflétant la diversité de ses composantes, y compris les questions de genre et d'ethnicité.</p> <p>Extensive provision for women's representation and rights including: prohibition of sexual and gender-based violence; general principle that the state will be founded inter alia on 'equality between women and men'; principles and measures relating to exclusion of women; gender balance informing reform of defence and security; gender balance on commission of national reconciliation; extensive constitutional principles relating to gender equality; gender representation in the judiciary; particular regard to women in reconstruction, rehabilitation and resettlement of refugees and displaced persons.</p> <p>Article II 1.7 The cessation of all acts of violence against the population, any act of vengeance, summary executions, torture, harassment, detention or persecution of civilians based on their ethnic origin, religious beliefs or political affiliation, arming of civilians, use of child soldiers, sexual violence and sponsoring and encouraging terrorists or genocidal ideologies.</p> <p>Article 32. During the period covered by this Convention, the Government shall have the following portfolios... 16. Ministry of Human Rights, Social Services and the Advancement of Women.</p>	
Chad	Accord politique en vue du renforcement du processus démocratique 14/08/2007 (executive power-sharing of government and opposition)	(p.12) 6. DES DISPOSITIONS FINALES Les Partis politiques signataires appellent le peuple Tchadien et en particulier : les associations de défense des droits de l'homme, les syndicats, les organisations féminines et des jeunes, à adhérer à ce processus de paix véritable et de développement durable que sous-tend le présent Accord Politique.	No information

Conflict	Agmt and Power-sharing	Women	Quotas
Comoros / Anjouan	Comoros's Constitution of 2001 with Amendments through 2009 23/12/2001 (Government of National Unity, power-sharing executive drawn from Comoro's constitutive islands). Earlier agreements establishing power-sharing did not reference women).	<p>Preamble</p> <p>... [The people] emphasize their commitment to the principles and fundamental rights defined by the Charter of the United Nations, by the Charter of the Organization of African Unity, by the Pact of the League of Arab States, by the Universal Declaration of Human Rights and by the African Charter on Human and Peoples' Rights, as well as by the international conventions, particularly those relating to childrens' and womens' rights.</p> <p>... They proclaim ... the equality of all concerning rights and duties without distinctions based on sex, origin, race, religion or belief;</p> <p>Article 4 In the conditions determined by statute suffrage shall be universal, equal and secret. It may be direct or indirect.</p> <p>All Comorians of either sex who are in possession of their civil and political rights may vote as provided for by statute.</p>	No information
Democratic Republic of Congo	<p>ntercongolese Negotiations: The Final Act ('The Sun City Agreement') 2/04/2003 (affirms power-sharing arrangements of Pretoria Agreement)</p> <p>Draft Constitution of the Transition 01/04/2003 (full consociationalism)</p> <p>Global and Inclusive Agreement on Transition in the Democratic Republic of Congo ('The Pretoria Agreement') 16/12/2002 (government of national unity, with power-sharing executive established)</p>	<p>Extensive provision for women, in particular, health, human rights, and socio-economic conditions</p> <p>Extensive provision for women, including commitments to 'participation of women an all levels of responsibility, taking into account the criteria of competence, credibility and integrity, in a spirit of national reconciliation'. Protection for equality rights for women, access to education, working rights, and socio-economic rights.</p> <p>III - TRANSITION PRINCIPLES 1. To guarantee a peaceful transition, the Parties shall participate in the political administration of the country during the period of transition. The institutions that will be set up during the transition shall ensure appropriate representation of the eleven provinces of the country and of the different tendencies within the political and social forces. In particular, provision shall be made for appropriate representation of women at all levels of responsibility.</p>	No information available

Conflict	Agmt and Power-sharing	Women	Quotas
		Annex I: The Division of Responsibilities A. The Government 2. The transitional government shall be composed of the following Ministries: [...] Women's and Family Affairs [...]	
Kosovo	Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accord) (provided for consociational arrangement between Albanian and Serbian Kosovars, not signed but framework subsequently imposed by UNSC Resolution 1244)	Chapter 2 on police and security outlaws discrimination based on sex.	No information available
Liberia	Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy (LURD), the Movement of Democracy in Liberia (MODEL) and the Political Parties 18/08/1999 (transitional power-sharing with proportional legislature and executive).  Final Communiqué of the All-Liberia National Conference, Virginia, Liberia 18/04/1991 (Government of National unity formed by the government)	Fairly extensive provision for women providing for: women's membership of the National Transitional Legislative Assembly, including representation of Women's Organisations (and other civic society organisations), the Electoral Reform Commission, recommendations by female lawyers for new judicial appointments, and rehabilitation, reconstruction and development consideration of women, with gender balance in programme implementation responsibilities.  Listed as attending Interest Group: Women Development Association of Liberia	No legislated quotas any level.  First past the post  Women: 11% (2011) In the "Guidelines relating to the registration of political parties and independent candidates" of January 2005, there was a gender quota provision that mandated the political parties and coalition of political parties to have a 30% women candidates in their electoral lists. In the amended law of March 2011 no gender quota provision is included. "In the national election on 11 October 2011, of 925 candidates, 105 were women, including 87 candidates for the House of Representatives, 12 candidates for the Senate, and 6 candidates for the Presidency and Vice Presidency. This represents approximately 11 percent of all candidates (Carter Center-Fall 2011).
Libya	Draft Constitutional Charter for the Transitional Stage: The Constitutional Declaration (Transitional power-sharing in Interim Provision Authority, drawn proportionately from local councils)	Article (5) The family is the basis of society and shall be entitled to protection by the State. The State shall also protect and encourage marriage. The State shall guarantee the protection of motherhood, childhood and the elderly. The State shall take care of children, youth and the handicapped.	Legislated quotas lower house and sub-national level.  Parallel  15% (2014)

Conflict	Agmt and Power-sharing	Women	Quotas
		<p>Article (21) It shall be impermissible for any member of the Interim Transitional National Council to assume any executive public office. It shall also be impermissible to combine the membership of the National Council with the membership of the Local Council. A member may neither be appointed in a Board of Directors of any company nor may he contribute to obligations made by the government or made by one of the public institutions. Further, during the term of his membership, the member, his wife or his sons may not buy or rent any State property or lease or sell to or barter with the State any of his own property, or conclude a contract with the Sate in his capacity as obligator, supplier or contractor.</p>	
Madagascar	<p>Roadmap for Ending the Crisis in Madagascar - Commitments by Malagasy Political Stakeholders 13/09/2011 (Transitional Government of National Unity provided for (National Union Transitional Government) , with signatories to the 'road-map' to provide a list of candidates.)</p>	<p>In the formation of the Transitional Government, the President of the Transition and the consensus Prime Minister shall ensure a fair and equitable distribution of portfolios, whilst adhering to the criteria of political affiliation, gender representation and regional balance.' (I.6, p. 1).</p> <p>For the enlargement of the composition of other transitional institutions, like the Transitional Congress (CT), the High Transitional Council (CST) and the National Independent Electoral Commission (CENI), Malagasy political stakeholders who are parties to this Roadmap shall be invited to submit a list of public figures, from which the President of the Transition shall appoint the members of these institutions. In appointing the members of these institutions, the President of the Transition undertakes to ensure a fair and equitable distribution of positions, whilst adhering to the criteria of political affiliation, gender representation, regional balance and balanced sharing among the Malagasy political stakeholders who are signatories to this Roadmap so as to ensure the smooth running of the Transition. (I.7, p. 2).</p>	No information available
Maldives	<p>Roadmap for a possible way forward 16/02/2012 (Political Parties invited to come together to form a Government of National Unity)</p>	<p>III. Governance</p> <ul style="list-style-type: none"> <li>• Appropriate representation of women will be ensured in the Government of National Unity.</li> </ul> <p>IV. Priority Tasks of the Government of National Unity</p> <ul style="list-style-type: none"> <li>• The government of National Unity will ensure the uninterrupted provision of public services. It will continue to pay special attention to the rights of women and children, and to the needs and interests of the vulnerable, as is required by the constitution.</li> </ul>	No information available





Conflict	Agmt and Power-sharing	Women	Quotas
	<p>Joint Declaration that the Federal Government and the EZLN shall submit to National Debating and Decision-making Bodies 16/02/1996 (similar)</p> <p>Joint Proposals that the Federal Government and the EZLN agree to remit to the National Debating and Decision-Making Bodies in accordance with paragraph 1.4 of the Rules of Procedure 16/02/1996 (similar)</p>	<p>Part I</p> <p>The establishment of the right of, and applicable mechanisms for, indigenous women to participate, on an equal footing with men, in all matters dealing with the governance and development of indigenous peoples and to enjoy priority intervention in the economic, educational, and health-care projects specific to them.</p> <p>COMMITMENTS OF THE FEDERAL GOVERNMENT TO INDIGENOUS PEOPLES</p> <p>3.6. Guaranteeing satisfaction of basic needs. The State should guarantee conditions for indigenous peoples that allow them to take care of their nutrition, health care and housing services in a satisfactory manner and at least an acceptable level of well-being. Social policy shall promote priority programs so that the infant population of indigenous peoples improves its levels of health and nutrition, and support is provided for the activities and training of indigenous women.</p> <p>3.8. Protecting indigenous migrants. The State should promote specific social policies to protect indigenous migrants both within the national territory and beyond its borders, with inter-institutional actions of support for the work and education of women, of health care and education for children and young people, which in rural regions should be coordinated in the areas of contribution and of attraction of agricultural day laborers.</p> <p>II.</p> <p>5. It is proposed that the Congress of the Union should recognize, in the constitutional and political amendments they reach, the right of indigenous women to participate, on an equal footing with men, at all levels of government as well as in the development of the indigenous peoples.</p> <p>6. It is proposed that the Congress of the Union and the legislatures of the nation's states, in recognition of indigenous autonomy and for the determination of its levels, should take into consideration the main rights enshrined therein, with the establishment of the mechanisms needed to ensure their free exercise. Said rights include, primarily, the following:</p> <p>b. obtaining recognition for their internal systems of governance as they apply to regulation and punishment, provided they do not infringe constitutional guarantees or human rights, particularly those applicable to women;</p>	

Conflict	Agmt and Power-sharing	Women	Quotas
		<p>III.</p> <p>5. The satisfaction of basic needs. The State must promote mechanisms to guarantee indigenous peoples conditions that will allow them to take satisfactory charge of their food, health, housing, and, at the very least, an adequate level of well-being. Social policy must promote priority programs to improve health and nutritional standards among the children of indigenous peoples; it must also support, on an egalitarian basis, the training of women, expanding their participation in the organization and development of the family and the community. Priority must be given to the involvement of indigenous women in decisions regarding projects for economic, political, social, and cultural development.</p> <p>7. Protection for indigenous migrants. The State must promote specific social policies to protect indigenous migrants, both within the nation's borders and beyond them, with inter-institutional actions to support women's education and work and children's and young people's health and education; in rural areas, these policies must coordinate between the zones that provide agricultural laborers and those that make use of them.</p> <p>V.</p> <p>1. The essential starting point for the establishment of a new relationship between the indigenous peoples and the State is the construction of a new legal framework in the nation and in its states. The constitutional amendments recognizing the indigenous peoples' rights must be reached by means of a creative legislative spirit, forging new policies and offering real solutions to their social problems. We therefore propose that these amendments should contain, among others, the following general elements:</p> <p>d. Legislating on the rights of indigenous men and women to have representatives within legislative bodies, particularly the Congress of the Union and the state legislatures, incorporating new guidelines for the demarcation of the electoral districts covering indigenous peoples and communities, and allowing elections to be held in accordance with the applicable legislation.</p> <p>e. Legislating on the rights of indigenous peoples to elect their authorities and exercise power in accordance with their own rules within their spheres of autonomy, and guaranteeing participation by women under conditions of equality.</p>	

Conflict	Agmt and Power-sharing	Women	Quotas
Nepal	<p>Nepal Interim Constitution 15/01/2007 (Power-sharing alluded to in providing for legislature and executive to be formed 'on basis of political understanding', with Presidential and Prime Ministerial appointments if no understanding reached. Full proportionality for the Constituent Assembly which is main political body provided for).</p> <p>Decisions of the Seven Party Alliance (SPA) - Maoist Summit Meeting 08/11/2006 (provides for proportionality in the interim legislature)</p> <p>Local Peace Council and its Procedure-2006 01/09/2006 (provides for a local peace council, with representation of the Seven Political Parties in it)</p>	<p>Extensive provision for women, with regard to: citizenship; right to equality and non-discrimination; employment and social security; property rights; reproductive and health rights. Participation of women (and others) is extensively built into the obligations, directive principles and policies of the state (Part 4).</p> <p>Provision for representation of women in the Constituent Assembly and in the Army; and in political-economic-social transformation and conflict management.</p> <p>Preamble: Pledging for forward-looking restructuring of the state by resolving the prevailing problems related with class, ethnicity, regional and gender differences;</p> <p>Chapter III, Article 9.c. While deciding the list of candidates, the political parties shall ensure proportional representation of disadvantaged communities and regions, Madheshis (the Terai communities), women, low-caste groups and other communities.</p> <p>Article 10.a. In order to end discriminations based on class, ethnicity, language, gender, culture, religion and region and to deconstruct the current centralised and unitary structure, the state shall be restructured in an inclusive, democratic and forward looking manner.</p> <p>3. Formation of the Council 3.1 A district level Peace Council shall be formed in districts. 3.2 The Council shall be formed at the initiatives of the district level all-party mechanism. 3.3 3.3 The Local Peace Council shall be inclusive in nature with the representation of Seven Political Parties that are in Government, other parties having representation in the parliament, women, professional organizations, civil society, social organization, indigenous and</p>	<p>Legislated quotas lower house, sub-national level.</p> <p>Parallel</p> <p>Women: 29% (2014)</p> <p>Under Article 63 (3) of the Constitution, the Constituent Assembly shall be comprised of 240 members elected from each of the 240 single-member constituencies with the first-past-the-post system, 335 members elected from political parties through the list proportional representation system and 26 members appointed by the Council of Ministers. Women must constitute at least 33% of candidates for the first-past-the-post system and the proportional representation system combined (Article 63 (5)).</p>

Conflict	Agmt and Power-sharing	Women	Quotas
		ethnic groups, disabled persons, Dalits, Madeshi and the victims of the conflict as well. Moreover, representatives of the CPN (Maoists) shall also be included on the basis of consensus.	
Northern Ireland	<p>Hillsborough Castle Agreement 05/02/2010 (on-going implementation of power-sharing)</p> <p>The Agreement Reached in Multi-Party Negotiations (Good Friday or Belfast Agreement) 0/04/1998 (consociational government for Northern Ireland)</p>	<p>'Consideration of a women's prison, which is fit for purpose and meets international obligations and best practice.' (p. 7).</p> <p>Rights, Safeguard and Equality of Opportunity Human Rights</p> <p>1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular: [inter alia]</p> <p>- the right of women to full and equal political participation. (p. 18)</p> <p>Economic, Social and Cultural Issues</p> <p>1. Pending the devolution of powers to a new Northern Ireland Assembly, the British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion, including in particular community development and the advancement of women in public life. (p. 20).</p>	<p>No legislated quotas at any level</p> <p>First past the post (PR in Northern Ireland)</p> <p>Women: 22% (2010 – UK wide figure)</p>
Sierra Leone	Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL) (Lome Agreement) 07/07/1999 (Provision to convert RUF into a political party and enable them to hold public office, also provides for cabinet positions in a Government of National Unity, with RUF leader Foday Sankoh given Chairmanship role in Commission for the management of strategic resources.	<p>Part V, Humanitarian, Human Rights, and Socio-Economic Issues</p> <p>Article XXVIII, Post-war rehabilitation and reconstruction</p> <p>Given that women have been particularly victimized during the war, special attention shall be accorded to their needs and potentials in formulating and implementing national rehabilitation, reconstruction and development programmes to enable them to play a central role in the moral, social and physical reconstruction of Sierra Leone.</p>	<p>Sub-national level quotas at local government level of Ward Development Committees</p> <p>First past the post</p> <p>Women: 12% (2012)</p>
Somalia	Protocol Establishing the Somali New Federal Parliament 22/06/2012 (see also Protocol Establishing the Technical Selection Committee (22/06/2012)) (Provision for regional group-based selection of New Federal Parliament by a technical committee made up of clan members, with involvement of traditional leaders)	<p>Article 3, New Federal Parliament Members (p. 3)</p> <p>3.1. The House of the People shall comprise 225 members of whom at least 30 percent must be women.</p> <p>3.5. The Traditional Leaders, supported by the Technical Selection Committee who vets nominees, and in consultation with their clans and with different sectors of Somali civil society, including religious leaders, intellectuals, youth, women, and business people, shall select the members of the New Federal Parliament from among persons whom the Technical Selection Committee has vetted</p>	<p>Legislated quotas lower house.</p> <p>Electoral system in transition</p> <p>Women: 14% (2012)</p> <p>Garowe Principles I (2011) and Garowe Principles II (2012) are the 2 documents which outline the key constitutional and governance principles for the future set-up of Somalia as a federal state. The documents provide for 30% reserved seats for women in the parliament sworn-in in August 2012.</p>

Conflict	Agmt and Power-sharing	Women	Quotas
	<p>Protocol Establishing the Somali National Constituent Assembly 22/06/2012 (Provision for representiveness in Constituent Assembly)</p> <p>Decision on the High Level Committee Djibouti Agreement 25/11/2008 (provisions relating to strengthening cooperation on the Government of Unity, with provision for proportionality)</p> <p>The Transitional Federal Charter of the Somali Republic 29/01/2004 (provides for clan membership and proportionality in Transitional Federal Parliament)</p>	<p>Article 4, National Constituent Assembly Members.</p> <p>4.1. The National Constituent Assembly shall comprise 825 delegates of whom at least 30% must be women.</p> <p>4.3. 3. Collectively, the National Constituent Assembly must generally reflect the composition of Somali society, including youth and women, religious scholars and traditional elders (except those involved in selecting the NCA), business people, professionals, scholars, and the Diaspora</p> <p>Establishes: An intention by the Parties to reach out to those who are outside the process as well as members of the civil society, including women and the business community, and the Diaspora. Seventy-five additional seats in the Parliament will be reserved to that end.</p> <p>ARTICLE 26, SOCIAL WELFARE. The Government shall guarantee public social welfare as follows:</p> <p>a) It shall be the responsibility of the Government to protect and provide public health, safe motherhood, childcare and control communicable diseases;</p> <p>b) Welfare of persons with disabilities, orphans, widows, heroes who contributed and fought in defence of the country and aged persons;</p> <p>c) The Government shall encourage the establishment of the Civil Society and social development institutions for the public, that is to say, NGOs, women, youth, students, human rights and professional organizations;</p> <p>i) The Government shall create a positive environment for women to participate effectively in economic, social and political life of the society;</p> <p>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.</p>	
South Africa	South African Constitution of 1993 (interim Constitution) 06/12/1993 (transitional government of national unity)	<p>Commission on Gender Equality 119 Establishment</p> <p>(i) There shall be a Commission on Gender Equality, which shall consist of a chairperson and such number of members as may be determined by an Act of Parliament.</p>	<p>Legislated quotas sub-national level</p> <p>List PR</p> <p>Women 41% (2014)</p>

Conflict	Agmt and Power-sharing	Women	Quotas
		<p>(2) The Commission shall consist of persons who are fit and proper for appointment, South African citizens and broadly representative of the South African community.</p> <p>(3) The object of the Commission shall be to promote gender equality and to advise and to make recommendations to Parliament or any other legislature with regard to any laws or proposed legislation which affects gender equality and the status of women.</p>	
South Sudan	Protocol on Agreed Principles on Transitional Arrangements Towards Resolution of the Crises in South Sudan 25/08/2014 (Establishes Transitional Government of National Unity)	<p>V. Agreed Principles: Humanitarian Concerns</p> <p>...</p> <p>26. Agree to urgently institute programmes of relief, repatriation, resettlement, reintegration and rehabilitation of IDPs and returnees, and in particular, provide programmes for war/ conflict affected persons (children, orphans, women, widows, war wounded, etc.), including reconstruction of war-affected areas, the terms and scope of which shall be negotiated by the stakeholders in the negotiations;</p>	<p>Legislated quotas lower house, upper house, sub-national level</p> <p>In transition</p> <p>Women: 27% (2011)</p>
Sri Lanka	Memorandum of Understanding for the Establishment of a Post-Tsunami Operational Management Structure (P-TOMS) (A very partial agreement dealing with post-Tsunami reconstruction, which provided for power-sharing between LTTE and Government of Sri Lanka in the Regional committee organising relief and reconstruction)	<p>1. Structure</p> <p>(b) The High-Level Committee, the Regional Committee and the District Committees shall discharge of their functions in such a manner as to address the concerns of all persons in the Tsunami Disaster Zone (the "TDZ", as defined below) and shall do so without discrimination against any person on grounds such as ethnic origin, sex, language, religion, political or other opinion, social origin, birth or other status.</p> <p>6. Regional Committee</p> <p>c. Composition</p> <p>iv. The Regional Committee shall have a proper gender balance.</p> <p>8. District Committees</p> <p>c. Composition and Decision Making. The Districts Committees, already established and well-functioning, shall continue their work. The District Committees may further discuss and decide on issues relating to their composition and decision-making. Adequate Muslim representation shall be ensured. The District Committee shall also have a proper gender balance.</p>	<p>No legislated quotas</p> <p>List PR</p> <p>Women 6% (2010)</p>

Conflict	Agmt and Power-sharing	Women	Quotas
Sudan - Darfur	<p>Framework Agreement to Resolve the Conflict in Darfur between the Government of Sudan and the LJM 18/03/2010 (Power-sharing established as principle)</p> <p>Darfur Peace Agreement 05/05/2006 (fairly vague provision on integrating Darfurians 'across the board in the political sphere)</p> <p>Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur 05/07/2005 (power-sharing and wealth-sharing to be agreed)</p>	<p>1. General Principles</p> <p>(2) Reaffirmation of democracy, political pluralism, freedom, the maintenance of a vibrant and dynamic civil society, the rule of law, the independence of the judiciary, the freedom of the press, the accountability and transparency of state institutions, and justice and equality for all regardless of ethnicity, religion, belief and gender as the basis for the effective participation of all Sudanese citizens in the management of their own affairs and decision-making processes at all levels of governance;</p> <p>(3) Recognition of citizenship as the basis for political and civil rights and duties and rejection of discrimination based on religion, belief, ethnicity, gender or any other reasons;</p> <p>6. Role of Civil Society.</p> <p>Agreement on the importance of the role of civil society in the peace process and the necessity to establish mechanisms for general participation, in particular by civil society to ensure that the views, voice, needs, rights of women, youth, displaced people, refugees and vulnerable groups are reflected in the negotiations. To secure support of the political parties and the public for the peace process and the ensuing agreement to achieve a durable peace.</p> <p>Extensive provision for power-sharing address women's human rights, effective representation in nominations to the power-sharing government, and in national assembly and national civil service. Provisions on gender and wealth-sharing. Protection for women from gender-based violence.</p> <p>Preamble:</p> <p>5. Stressing our commitment to respect international humanitarian law and promote and protect human rights, including the rights of women and children, as part of the efforts to address the prevailing situation in Darfur</p> <p>Article 3. Citizenship is the basis for civil and political rights and duties, including the freedom of expression and association for all Sudanese. No Sudanese shall be discriminated against on the basis of religion, belief, ethnicity, gender or for any other reason. This shall be incorporated into the National Constitution. (p. 2)</p>	<p>Legislated quotas lower house</p> <p>Parallel</p> <p>Women 25% (2010)</p>
Sudan – Eastern Sudan	<p>Eastern Sudan Peace Agreement 19/06/2006 (General provision for 'effective participation' with provision for allocation of ministerial positions to different groups, and proportionality in other institutions)</p>	<p>CHAPTER ONE, POLITICAL ISSUES: GOVERNANCE AND POWER</p> <p>Article 1.</p> <p>7. Women shall be fairly represented in all government institutions at all levels and their equal and effective participation ensured.</p>	



Conflict	Agmt and Power-sharing	Women	Quotas
		<p>Article 7 19. Special measures shall be taken to ensure the participation of women in all institutions at all levels of government.</p> <p>Article 8 The Council of Ministers 23. Prior to the elections, and with a view to reflecting the need for unity and inclusiveness, the GoS shall ensure effective representation of the people Eastern Sudan, including the Eastern Sudan Front, as follows: (c) Special effort shall be made to ensure that women are represented in these nominations.</p> <p>Article 9 The National Assembly 24. Prior to the elections and with a view to reflecting the need for unity and inclusiveness the GoS shall ensure the representation of Eastern Sudanese in the National Assembly, including the Eastern Front. In this regard, not less than eight seats shall be allocated to nominees of the Eastern Sudan Front. It is highly recommended that some of the nominees be women.</p> <p>Chapter 2, ECONOMIC, SOCIAL AND CULTURAL ISSUES Article 22 75. The following shall be the fundamental objectives of development in Eastern Sudan: (k) Ensuring that all the development programs address the specific needs of women;</p> <p>Chapter 4 Article 33 140. All the stakeholders, including community and traditional leaders, political parties, civil society organizations, trade unions, professionals, religious leaders, business leaders, and members of the diaspora shall participate in the CC ESPA. There shall be adequate and effective representation of women and youth.</p>	
Togo	Dialogue Inter-Togolais: Accord Politique Global 20/08/2006 (Acceptance in principle of a Government of National Unity)	<p>Two civil society organisations participated in the meeting.</p> <p>(p. 1) Conformément aux vingt-deux engagements souscrits le 14 avril 2004 par le Gouvernement de la République Togolaise à l'issue des consultations avec l'Union Européenne et dans le but de consolider la démocratie, la réconciliation nationale et la paix sociale, le Rassemblement du Peuple Togolais,... le Gouvernement ainsi que deux organisations de la société civile : le Groupe de Réflexion et d'Action Femme, Démocratie et Développement (GF2D), le Réseau des Femmes Africaines Ministres et Parlementaires (REFAMP/T) se sont réunis à Lomé ...</p>	<p>Legislated quotas lower house.</p> <p>List PR</p> <p>Women 15%: 2013</p>

Conflict	Agmt and Power-sharing	Women	Quotas
		<p>(p.2) I. La mise en place d'une nouvelle Assemblée Nationale à l'issue d'un processus électoral transparent, juste et démocratique...</p> <p>1.2. – Ces élections se dérouleront conformément aux dispositions définies par consensus dans le cadre électoral relativement aux points suivants:</p> <p>...</p> <p>- quota des candidatures féminines ;</p> <p>(p. 6) 1.2.11 – Quota des candidatures féminines Les Parties prenantes au Dialogue se sont engagées à œuvrer en vue d'assurer la représentation équitable des femmes dans les processus électoraux et dans la vie politique nationale. Dans cette optique, elles encouragent les partis politiques à s'imposer un minimum de candidatures féminines aux élections.</p> <p>(p.7) 1.2.12. – Financement des partis politiques</p> <p>...</p> <p>Le Gouvernement décidera des mesures incitatives à la participation des femmes à la vie politique.</p> <p>Annexe II De la feuille de route du Gouvernement d'Union Nationale Outre ses attributions constitutionnelles classiques, le Gouvernement aura pour tâches prioritaires :</p> <p>...</p> <p>- de prendre des mesures incitatives à la participation des femmes à la vie politique;</p>	
Uganda	Agreement on Comprehensive Solutions between the Government of the Republic of Uganda and the LRA/M (vague provision on integrating all Ugandans into 'governance' with provision for Equal Opportunities Commission to design a system)	<p>C. PARTICIPATION IN NATIONAL POLITICS AND INSTITUTIONS</p> <p>2.1.b. The composition of Government shall be broadly representative of the national character gender and social diversity of the country. (p. 3)</p> <p>2.1.f. The Government shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which may exist against them. (p. 4)</p> <p>5.o Ensuring equal opportunities</p> <p>The Parties agree that the recently enacted Equal Opportunities Law, shall be used to ensure equal treatment of all groups within Uganda; specifically, the elimination of inequalities and discrimination against any individual or group of persons on the ground of ethnic origin, social or economic standing, gender, disability, or political opinion. (p. 5) E. ECONOMIC AND SOCIAL DEVELOPMENT OF NORTH AND NORTH EASTERN UGANDA</p>	<p>Legislated quotas lower house, sub-national level</p> <p>First past the post</p> <p>Women: 35% (2011)</p>

Conflict	Agmt and Power-sharing	Women	Quotas
		<p>12. Vulnerable Groups</p> <p>12.2 The Parties agree that the Government of Uganda shall in accordance with existing policies and through special assistance programmes in the affected areas make appropriate provision for vulnerable groups and in particular shall protect, resettle and promote the advancement of child-headed households, orphans, street children, unaccompanied minors, traumatized children, widows, female-headed households, persons with disabilities (PWDs), persons living with HIV/AIDS and the elderly. (p. 9)</p>	
Yemen	<p>Agreement on the Implementation Mechanism for the Transition Process in Yemen in Accordance with the Initiative of the Gulf Cooperation Council (GCC) 05/12/2011 (Transitional Government of National Unity)</p>	<p>Part II</p> <p>II.18. The early presidential elections shall be held in accordance with the following provisions:</p> <p>II.18.b.[...] Any citizen, male or female, who has attained the legal age for voting and can establish as much on the basis of an official document such as a birth certificate or national identity card, shall have the right to vote on the basis of that document;</p> <p>Part III</p> <p>III.10.a. Each party shall account for 50 per cent of nominees for the government of national unity, and due consideration shall be given to the representation of women. With regard to the distribution of portfolios, one of the two parties shall prepare two lists of ministries and transmit them to the other party, which shall have the right to choose one of the lists.</p> <p>Part IV</p> <p>IV.20. With the beginning of the second transitional phase, the President-elect and the government of national unity shall convene a comprehensive Conference for National Dialogue for all forces and political actors, including youth, the Southern Movement, the Houthis, other political parties, civil society representatives and women. Women must be represented in all participating groups.</p> <p>IV.21. The Conference shall discuss the following issues:</p> <p>IV.21.g. The adoption of legal and other means to strengthen the protection and rights of vulnerable groups, including children, as well as the advancement of women;</p> <p>Part VI.</p> <p>VI.26. Women shall appropriately represented in all of the institutions referred to in this Mechanism.</p>	No information available

Conflict	Agmt and Power-sharing	Women	Quotas
Zimbabwe	<p>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 15/09/2008 (formal consociational power-sharing)</p> <p>(Note: the power-sharing mechanism was replaced by the new constitution contemplated by the peace agreement in 2013)</p>	Extensive provision for women including: access to and control of land; equal treatment; youth provision; humanitarian and food assistance without discrimination on basis of sex. Acknowledges the need for gender parity in government, and 'the need to appoint women to strategic Cabinet posts'. Gender considerations also to be given to make-up of the Joint Monitoring and Implementation Committee of the Agreement	<p>Legislated quotas lower house, upper house and sub-national level</p> <p>First past the post</p> <p>Women: 31 % (2013)</p> <p>(New Constitution of Zimbabwe 2013 adopts reserve seats for women)</p>

**TABLE 3:**  
**Integration of non-state armed opponents into legislatures, through set-aside places or other similar provision**

Conflict	Agmt and Power-sharing	Women	Quotas
Colombia	A range of agreements with different guerrilla groups in the 1990s provided for assistance for demobilised movements, and some political provision to assist them to stand in elections, including creation of special electoral constituencies, and/or a set in the National Assembly. In 1991 the Colombian Constitution was a form of peace agreement aimed at inclusion, and made substantial changes to the state, including providing for inclusion of indigenous people in the legislature.	There was little reference to women in the agreements themselves, however the Colombian Constitution had both provision for set-aside places for indigenous persons and extensive treatment of women's rights and issues.	<p>Legislated quotas lower house, upper house, sub-national</p> <p>List PR</p> <p>Women: 20% (2014)</p>
India/Bodoland	Memorandum of Settlement on Bodoland Territorial Council (territorial power-sharing, but with provision for representation in the executive from across groups and castes in the territory).	<p>4. Status of Bodoland Territorial Council</p> <p>4.2. A provision will be made in para 2(1) of the Sixth Schedule for increasing the number of members for BTC up to 46 out of which 30 will be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities and 6 to be nominated by Governor of Assam from the unrepresented communities for BTC area of which at least two should be women. Nominated members will have the same rights and privileges as other members, including voting rights. Election from the 40 constituencies of BTC shall be on the basis of adult franchise. The term of the elected members of BTC shall be for 5 years.</p>	No information available

Conflict	Agmt and Power-sharing	Women	Quotas
India/Darjeeling	The Darjeeling Gorkha Hill Council (Amendment) Act 1994) 20/03/20 (Underlying act provides for a Hill Council with 2/3 elected from local populations and 1/3 nominated by the Government. This act includes a general commitment that: The Government may provide for due representation of minorities, Scheduled Castes, Scheduled Tribes and Women, while nominating the remaining councillors).	Amendment of section 5 (a) for sub-section (3), the following sub-section will be substituted: -7 (3) The Government may provide for due representation of minorities, Scheduled Castes, Scheduled Tribes and women, while nominating the remaining Councillors	No information available
Democratic Republic of Congo	Outcome Documents from the Conclusion of the Kampala Dialogue between the Government of the Democratic Republic of the Congo and the M23 12/12/ 2013 ('Government agrees to consider favourably any request by M23 to transform itself into a political party and the agreement provides for social reintegration of M23 members, (Annex 1, item 4)	Declaration of the Government of the Democratic Republic of Congo at the End of the Kampala Talks (Annex 1): 1. Amnesty 1.1 [...] In accordance with national and international law, the Amnesty does not cover war crimes, crimes of genocide and crimes against humanity, including sexual violence, recruitment of child soldiers and other massive violations of human rights.  8. National Reconciliation and Justice 8.4 [...] The Government shall ensure that prosecutions for war crimes, genocide, crimes against humanity, sexual violence and recruitment of child soldiers are initiated against any presumed author thereof.  Declaration of Commitments by the Movement of March 23 at the Conclusion of the Kampala Dialogue (Annex 2): 8. National Reconciliation and Justice 8.2 The M23 agrees that, given the atrocities and other massive violations of human rights perpetrated in the eastern Democratic Republic of the Congo, and with a view to putting an end to impunity, prosecutions for war crimes, genocide, crimes against humanity, sexual violence and recruitment of child soldiers shall be initiated against any presumed author thereof. (p. 4)  Annex A, Transitional Security Arrangements 28. Planning of the cantonment shall take into consideration the desirable characteristics for a cantonment site, taking into account of the specific needs of the M23's female combatants. (p. 5)	No information available
Djibouti	L'Accord de Paix et de réconciliation nationale 26/12/1994 (transformation of groups into 'political domains')	No provision for women.	Legislated quotas lower house.  Mixed member proportional representation  Women: 11% (2013)

Conflict	Agmt and Power-sharing	Women	Quotas
El Salvador	New York Agreement 25/09/1992 (a form of transitional representation for former combatants in the legislative assembly, to try to establish peace process mechanism)	No reference to women, but main peace agreement subsequently provided: Chapter II, National Civil Police II.7.D.b. A publicity campaign to promote the recruitment of new personnel for the National Civil Police shall be designed and implemented as soon as possible. Special consideration shall be given to the recruitment of women.	Legislated quotas Lower house, subnational level List PR Women 27% (2012)
Nicaragua	<p>The Managua Protocol on Disarmament 30/05/1990 (demobilized combatants to be appointed to ministries dealing with ex-combatants, and government undertakes to let ex-combatants participation in local government, and to assist them to re-integrate).</p> <p>The Toncontin Agreement 23/03/1990 (A Transition Committee to implement the agreements will be composed of members of the Government and the Nicaraguan resistance)</p>	<p>Article 1.d. The resistance is urged to submit immediately a list of widows and orphans, so that the Nicaraguan Social Security and Welfare Institute can include them in its budget and they can receive the monthly pensions to which they are entitled.</p> <p>Article 10 In compliance with the Toncontin Agreement and its addendum, the resistance hereby ratifies its undertaking to demobilise and lay down its arms by 10 June 1990 at the latest. To that end, the resistance undertakes to demobilize at least 100 combatants each day in each zone as from this date. Furthermore, in honour of Mother's Day, a considerable number of the combatants of the Nicaraguan resistance shall be demobilized.</p> <p>Second. As an expression of just recognition of the patriotic work of the Nicaraguan resistance, it is necessary to assist the injured orphans and widows, the innocent victims of the armed struggle. To that end it undertakes to take measures to ensure the rehabilitation and social reintegration of those affected as soon as Mrs. Violeta Barrios de Chamorro assumes office. They will also be entitled to the corresponding monthly pensions. (p. 1)</p>	<p>Legislated quotas lower house, sub-national level.</p> <p>List PR</p> <p>Women: 40% (2011)</p>

# ENDNOTES

- 1 See the over 600 peace agreements, and discussions of their arrangements in Christine Bell, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria*, (Oxford: Oxford University Press, 2008), 105-123.
- 2 There is a specific literature on the relationship between equality and power-sharing more generally: Steven Wheatley, *Democracies, Minorities and International Law* (Cambridge: Cambridge University Press, 2005); David Wippman 'Practical and Legal Constraints on Power Sharing', in *International Law and Ethnic Conflict*, ed. David Wippman (Cornell University Press, 1998): 211; Will Kymlicka, 'The Internationalization of Minority Rights' *Journal of International Constitutional Law*, (2008) 6(1): 1. For discussion of European dimensions see Chris McCrudden, 'Consociationalism, Equality, Minorities in the Northern Ireland Bill of Rights Debate: The Role of the OSCE High Commissioner on National Minorities, in *Judges, Transition and Human Rights*, eds. John Morison, Kieran McEvoy, and Gordon Anthony (Oxford: Oxford University Press, 2007) 315; Steven Wheatley, 'The Construction of the Constitutional Essentials of Democratic Politics by the European Court of Human Rights following Sejdić and Finci', in *Examining Critical Perspectives on Human Rights*, eds. Rob Dickinson, Elena Katselli, Colin Murray and Ole W. Pedersen (Cambridge: Cambridge University Press, 2012) 153. For discussion of African dimensions see: Jeremy Levitt, *Illegal Peace in Africa: An Inquiry into the Legality of Power Sharing with Warlords, Rebels and Junta* (Cambridge: Cambridge University Press, 2012); Jeremy Levitt 'Illegal Peace?': 'Examining the Legality of Power-sharing with Warlords and Rebels in Africa' *Michigan Journal of International Law*, Vol.27(2) (2006): 495; Stef Vandeginste, 'The African Union, Constitutionalism and Power-sharing' Working Paper / 2011.05 (Antwerp: University of Antwerp, 2011). However, this gap is in the process of being remedied, in addition to this collection see in particular Christopher McCrudden and Brendan O'Leary *Courts and Consociations: Human Rights versus Power-sharing* (Oxford: Oxford University Press 2013).
- 3 For one of the most thoughtful and theorised accounts of the relationship see Siobhan Byrne and Allison McCulluch, 'Gender, Representation and Power-sharing in Post-Conflict Institutions', *International Peacekeeping* Vol 19(5) (2012) 565-580. See also, Bernadette C. Hayes & Ian McAllister, 'Gender and consociational power-sharing in Northern Ireland' *International Political Science Review* Vol 34(2) (2013) 123-139; Kris Brown & Fionnuala Ni Aolain, 'Through the Looking Glass; Transitional Justice Futures through the Lens of Nationalism, Feminism and Transformative Change', *International Journal of Transitional Justice* Vol 9(1) (2015) 127-149; Sumie Nakaya, 'Women and Gender Equality in Peace Processes: From women at the Negotiating Table to Postwar Structural Reforms in Guatemala and Somalia' *Global Governance* Vol 9(4) (2003) 459-476; Miki Caul Kittilson and Leslie Schwindt-Bayer, 'Engaging Citizens: The Role of Power-sharing Institutions' *The Journal of Politics* Vol 72(4) (2010) 990-1002;
- 4 See eg Arend Lijphart, *Democracy in Plural Societies* (New Haven: Yale University Press, 1977), 25-52; see also development and refinement of these criteria in Brendan O'Leary, 'Debating Consociational Politics: Normative and Explanatory Arguments', in *From Power Sharing to Democracy*, ed. Sid Noel (Montreal: McGill/Queen's University Press) 3-43.
- 5 Id.
- 6 O'Leary id, provides a good overview of these debates.
- 7 John Rawls, *A Theory of Justice* (New York, Columbia University Press, 2005);
- 8 Katherine T. Bartlett, 'Feminist Legal Methods' *Harvard Law Review* Vol 103(4) (1990) 829-88; Eilish Rooney *Intersectionality in Transition: Lessons from Northern Ireland*. *Web Journal of Current Legal Issues*, 5 (2007) 1-20.
- 9 Donald L. Horowitz, *Ethnic Groups in Conflict* (London, Berkley, Los Angeles: University of California Press, 2nd Ed, 2000). See also, Benjamin Reilly, *Democracy in Divided Societies* (Cambridge: Cambridge University Press, 2001); Timothy Sisk, *Power Sharing and International Mediation in Ethnic Conflict* (Washington DC: United State Institute for Peace Press, 1996).
- 10 See Bougainville Peace Agreement, 30 April 2001, available at <http://www.usip.org/publications/peace-agreements-bougainville-papa-new-guinea>, (accessed 19 July 2012).
- 11 See further, Jeremie Gilbert, *Indigenous Peoples' Land Rights under International Law: From Victims to Actors* (Ardsley, NY: Transnational Publishers, 2007).
- 12 Mathew Hoddie and Carline Hartzell, 'Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management', *American Journal of Political Science* Vol 47(2) (2003), 318.
- 13 Id.
- 14 Although these may of course be specific economic allocation agreements, see eg. Framework Agreement on Wealth Sharing during the Pere-Interim and Interim Periods between the Government of the Sudan and the Sudan People's Liberation Movement/ Sudan People's Liberation Army, 7 July 2004, available <http://peacemaker.unlb.org/index1.php> (accessed 19 July 2012).
- 15 Id at 320.
- 16 Marc Weller and Stefan Wolff, eds., *Autonomy, self-governance and conflict resolution: innovative approaches to institutional design in divided societies*, (London: Routledge, 2005). See also Stefan Wolff, 'The Emerging Practice of Complex Power Sharing, in *Die Verteilung der Welt. Selbstbestimmung und das Selbstbestimmungsrecht der Völker* [The World Divided. Self-Determination and the Right of Peoples to Self-Determination], ed. Jörg Fisch (Oldenbourg Wissench.Vlg, 2011)
- 17 Cf. Stef Vandeginste, 'Power-sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error, 44(3) (2009) *Africa Spectrum* at 63, noting both different functions of different power-sharing mechanisms at different times, and a level of contestation about the direction of the current mechanism.
- 18 Christine Bell and Catherine O'Rourke, 'The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy', *International Political Science Review* 28, 293.
- 19 Cf 'Debating Consociational Politics' (arguing that international dimension has been under-considered but focusing more on forms of bi-nationalism that accommodate external self-determination claims than international supervision).
- 20 For discussion of this hybridization see Bell *On the Law of Peace* 175-195.
- 21 Cf. Zoran Oklopčic, 'Constitutional (Re)Vision:

- Sovereign Peoples, New Constituent Powers, and the Formation of Constitutional Orders in the Balkans', *Constellations* 19(1) (2012) 81, arguing that international actors must be understood as part of the exercise of constituent power.
- 22 See, *Acting Together for Kenya – Agreement on the Principles of Partnership of the Coalition Government*, 28 February 2008 and *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*, 15 September 2008, both available at <http://peacemaker.unlb.org/index1.php> (accessed 19 July 2012).
- 23 See Marcia Langton, Maureen Tehan, Lisa Palmer and Kathryn Shain (eds) *Honour Among Nations? Treaties and Agreements with Indigenous Peoples* (Victoria: Melbourne University Press, 2004); Jeremie Gilbert, *Indigenous Peoples' Land Rights under International Law: From Victims to Actors* (Ardsey, NY: Transnational Publishers, 2007). Autonomy agreements have also resulted from conflicts between states and indigenous peoples, see autonomy agreements between the Adivaasi and Indian government, (see eg, *Memorandum of settlement on Bodoland Territorial Council*, 19 February 2003 available at [http://www.satp.org/satporgtp/countries/india/states/assam/documents/papers/memorandum\\_febo2.htm](http://www.satp.org/satporgtp/countries/india/states/assam/documents/papers/memorandum_febo2.htm) (accessed 18 July 2012)); and Nicaragua, see, for example, *Statute of Autonomy of the Atlantic Coast Regions of Nicaragua* (1987), and Chapter VI 'Rights of the Atlantic Coast Communities', *Constitution of the Republic of Nicaragua* (1987).
- 24 On rise of references to human rights see, Sahla Aroussi and Stef Vandeginste, 'When interests meet norms: The Relevance of Human Rights for Peace and Power-Sharing' *The International Journal of Human Rights Special Issue on Law, Power-sharing and Human Rights*, Vol 17 (2) (2013) 183- 203; on rights of references to women see Christine Bell, *Text and Context: Evaluating Peace Agreements for their 'Gender Perspective'*, Research Paper, October 2015 (UN Women).
- 25 See, Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford: Clarendon Press) for an extensive discussion of the ways in which group accommodation has been shaped and shaped international law. See also Bell *On the Law of Peace* at 218-238.
- 26 The CEDAW Committee's definition of these measures includes "a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programs; allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems" (id 22, emphasis added). See further, Megan Alexandra Dersnah, *Women in Political and public Life*, Global Report for the Working Group on the issue of discrimination against women in law and in practice, no date, available at [www.ohchr.org/Documents/Issues/Women/WG/PublicPoliticalLife/WG\\_Global.docx](http://www.ohchr.org/Documents/Issues/Women/WG/PublicPoliticalLife/WG_Global.docx).
- 27 See eg *Sejdić and Finci v Bosnia & Herzegovina*, ECtHR Application Nos. 27996/06 and 34836/06 (22 December 2009)
- 28 See, Christine Bell and Catherine O'Rourke 'Peace Agreements or Pieces of Paper' *International and Comparative Law Quarterly* 59 (2010) 941 which found that there is some slowing down of peace agreement practice.
- 29 *Sejdić and Finci v Bosnia & Herzegovina* 2009.
- 30 Kymlicka *Multicultural Odysseys*.
- 31 Producing figures of peace agreements committing to power-sharing makes less sense if conducted across the entire database, as this includes pre-negotiation agreements and implementation agreements which deal with discrete issues, and so one would not always expect power-sharing to figure.
- 32 Agreements in Central African Republic and in Côte D'Ivoire had the word 'women' in their texts, but in the case of Côte D'Ivoire it was with reference to men being able to get citizenship who had Ivoirian wives, and in the case of Central African Republic, it was the use of the word 'women' with reference to a provision on both men and women entering a spirit of reconciliation and so was evaluated to be merely a use of gender-neutral language. In Haiti, while there was no reference in the peace agreement, a subsequent constitution made provision for electoral quotas for women.
- 33 The three agreements had provision for women, which addressed women's reconstruction needs, rather than providing for women's representation or rights (Angola/Cabinda, Sierra Leone and South Sudan).
- 34 O'Leary 'Debating Consociational Politics'.
- 35 See Georgina Waylen *Engendering Transitions: Women's Mobilization, Institutions, and Gender Outcomes* (Oxford, Oxford University Press, 241, 2007, Chapter 3).
- 36 Sarah Sunn Bush, 'International Politics and the Spread of Quotas for Women in Legislatures', *International Organization* Vol 65 (2011) 102-27.
- 37 Caul Kittilson and Schwindt-Bayer 'Engaging Citizens'.





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