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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).

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)).

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.¹ 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,² a small literature touches on the relationship of equality of women with power-sharing emerging from peace negotiations.³ 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.

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