THE CENTRE ON HUMAN RIGHTS IN CONFLICT

PEACE AS GOVERNANCE? CRITICAL CHALLENGES TO POWER-SHARING PEACE DEALS

Lessons for policymakers

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Executive summary

- Power-sharing may involve not only political power-sharing, but shared governance over economic resources or the security sector, and in some cases territorial autonomy arrangements

- There are at least five critical challenges to negotiating a peace agreement involving power-sharing:

- Mistrust may outweigh the influence of the power- sharing incentives offered
- The third-party guarantee needed to overcome mistrust is not available
- The incentives that are offered may not be the right ones
- If there are no measures to address the original causes of conflict, incentives may not be enough
- Incentives cannot induce so-called spoilers to participate in a peace process

- There are far more potential challenges to implementing power-sharing agreements in practice:

- Agreements may be violated because incentives were insufficient or can be obtained more easily outside the agreement
- Agreement fails because a group was less interested in, or unable to reap the benefits of, specific incentives
- Old patterns of mistrust and cheating are imported into governance processes and state institutions
- Instead of creating a grand coalition, power-sharing may create incentives for extremism and ethnic or hardliner outbidding
- Incentives such as territorial autonomy may encourage secessionist tendencies
- Parties may have committed to agreement out of short-term pragmatism rather than long term interest or policy
- Exclusion of groups from benefits may encourage new grievances and even conflicts
- Competition may turn violent amongst former allies
- Violent regions or the interference of neighbouring states may undermine agreements

Introduction

This policy paper seeks to offer insights for policymakers regarding the strengths and weaknesses of the use of power-sharing in peace processes. It is based upon close studies in three countries with protracted armed conflicts and peace processes—Sri Lanka, Sudan, and Colombia—as well as comparative analysis of nearly thirty peace processes involving power-sharing elements since the end of the Cold War. Power-sharing should be understood as a broad strategy, comprising not only power-sharing as traditionally understood, involving political power-sharing, but also other governance incentives commonly offered to induce armed groups to negotiate peace agreements, and to implement peace agreements, such as resource-sharing, inclusion in security structures, and territorial autonomy. Close examination demonstrates that while these incentives often have appeal for armed groups, this appeal is often overrated, and may frequently generate institutional arrangements and political dynamics that are unstable in the medium to long term. A re-evaluation of this strategy is sorely needed, as it is commonly deployed relatively uncritically, and power-sharing and similar incentives can often reify existing cleavages in societies, increasing rather than decreasing the risk of conflict. Specifically, power-sharing may import or embed social divisions that have the potential to become conflictual in new, weak, or dysfunctional institutions of governance that are not prepared to manage them.

Why power sharing?

Contemporary peace negotiations addressing internal armed conflicts often seek to induce armed groups, whether rebel, military, paramilitary, or police, to lay down their arms through incentives which may alleviate the so-called security dilemma, or fears that if they negotiate and disarm, they will be vulnerable to attack. Thus, peacemaking arrangements that provide them access to power, and offer them guarantees of security in the postconflict setting, are often used to lure groups to negotiations. An example of such incentives or arrangements is the Comprehensive Peace Agreement (CPA) of 2005, which formally ended the conflict between the government of Sudan based in Khartoum in the north and the SPLA/M based in Southern Sudan. One element of the agreement was that John Garang, the leader of the SPLA/M, became vice president of Sudan as well as president of the new government of southern Sudan.

Comparative research shows that the success of these lures of participation will vary by context and group, which is perhaps not surprising but is important to understand so that rigid templates or formulae for peacemaking are not deployed. Even groups that purport to be fighting for access to power, or regional autonomy and self-governance, may not be induced by governance incentives.

The popularity of power-sharing arrangements emerged from peacebuilding in the early 1990s, for example in El Salvador, where the former rebel group, the Farabundo Martí National Liberation Front (Frente Farabundo Martí para la Liberación Nacional [FMLN]), was successfully brought into the structures of power and transformed into a legitimate political party, with some of its members included in the reformed armed forces and police. Many analysts, perhaps too optimistically, concluded that armed groups wanted a seat at the table and access to legitimation and political power, and that this would in many instances suffice to ensure their participation in negotiations and compliance with peace agreements.

The current study examined the use of power-sharing incentives closely in three conflict settings: Sri Lanka, Colombia, and Sudan, and in about thirty post-Cold War peace deals in somewhat less detail. The Sri Lankan and Colombian conflicts remain to be resolved, while Sudan is experiencing an uneasy peace. In Sri Lanka, negotiations with the Liberation Tigers of Tamil Eelam (LTTE) are examined; in Colombia, negotiations with the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia [FARC]) and the National Liberation Army (Ejército Liberación Nacional [ELN]); and in Sudan, the Sudanese People's Liberation Movement/Army (SPLM/A).

It is evident that power-sharing does not always offer a strong incentive for armed groups to cooperate, as demonstrated by the collapse of the 1999 Lomé peace accord in Sierra Leone, discussed further below in implementation failures. On the logic of the Salvadoran example and many others, those who negotiated the Lomé accord, and those who supported it internationally, reasoned that these were the incentives required to bring the Revolutionary United Front (RUF) to the table and end the fighting. As is well known, fighting and serious human rights abuses resumed shortly after.

Forms of power-sharing

Peace agreements have often included elaborate institutional arrangements, with power-sharing along one or more of four dimensions: economic, political, security, and territorial. The study treats all of these as power-sharing arrangements, even though they operate differently. These institutional arrangements are designed to generate incentives for armed groups to participate in negotiations and implement the agreements that they reach, in large part through alleviating security dilemmas. Institutional arrangements are also often developed to counter the weak, corrupt, or collapsed state structures at the root of many conflicts. It is hoped that these new institutions might lessen the incentives of all social forces to return to violent conflict. Statistical and comparative studies suggest that power-sharing along one or more of the four dimensions, particularly in tandem with third-party guarantees, strengthens the robustness of peace agreements. In particular, existing studies have found that third-party guarantees are critical to the survival of peace agreements. However, peacebuilders on the ground often have control over the presence of third-party guarantors, which depends on political interest and the will of states to act alone or through the UN. The four types of power-sharing incentives often used in the breach, in the absence of those third-party guarantees which are often so difficult to secure.

A number of key challenges arise when peacemakers seek to use governance incentives—political, security, territorial, and economic ones—to reach and implement peace agreements. These are, broadly speaking, challenges of negotiation and challenges of implementation.

Why negotiations often fail

Despite the apparent incentives that power-sharing deals offer to insecure armed groups, many efforts at negotiating peace deals still fail, for a range of reasons.

Mistrust

First, though governance incentives may logically offer a way out of the security dilemma faced by armed groups, mistrust among them may result in fear of disarming. Governments may also be unprepared to offer such incentives, believing either that armed groups will use the negotiation or cease-fire period to rearm, or that once empowered with such access to governance the groups will harm those currently in power or the state itself. There is some evidence that Sri Lanka's LTTE used periods of negotiation and cease-fire to rearm and strengthen its position; its enhanced military capacity was dramatically illustrated with its first use of airplanes in 2007. Similarly, the governments of Colombia and Sri Lanka have opposed the use of most of the incentives considered here for the FARC, the ELN, and the LTTE, although the government of Colombia has used inclusion incentives with other armed groups.

Absence of third-party guarantor

Second, such incentives may foster trust only if a third-party guarantee is also present. Such guarantees have not been present in recent peace processes in Colombia or Sri Lanka. In Colombia, the OAS support mission, while important, lacks muscle, and there is no prospect of an international or regional peacekeeping force should peace be reached with either major leftist rebel group. In Sri Lanka the Sri Lanka Monitoring Mission had a limited mandate, and the Indian government would likely have blocked an international or regional peacekeeping force. The negotiation of Sudan's CPA was arguably bolstered by the presence of strong regional mediators and the prospect of a UN peacekeeping force, while the limited participation in the Darfur negotiations may reflect the poor prospect for a robust international force there. While we as analysts or advocates might wish that a third-party guarantor always be available, we know that often it is not.

The wrong incentives

Third, it may simply be the case that the wrong incentives are being offered. For example, some groups value territorial autonomy and governance of resources, but have no particular interest in governing at the national level. These groups might not be interested in signing an agreement that offers them, say, participation in national security forces or in parliament. Such was the case with the LTTE, which engaged in predation and coercive extraction of support funds from the Tamil diaspora globally, but did not seek resource-sharing in negotiations; nor did the ill-fated tsunami aid-distribution mechanism appear to be a significant incentive.

The LTTE's demands were largely for territorial autonomy, self-governance, or complete independence, so the offer of resource-sharing was unlikely to be a significant incentive. By comparison, while the FARC and the ELN do demand territorial control, and engage in rhetoric that at least purports to defend their putative constituents, these demands have largely been driven by short-term security concerns rather than desires for long-term control over specific territories. They are also clearly linked to drug cultivation and criminal activity, which have enabled them to fund fighting, but which have also become ends in themselves. However, the demands that they have made with regard to state resources have not been for resource-sharing, but for more equitable distribution of resources across the populace. In Sudan, the SPLM/A had the most clearly articulated demands for power- and resource-sharing, and territorial autonomy. It had less apparent interest in inclusion in security forces, which is at odds with future autonomy, so perhaps it should be no surprise the implementation of these provisions have been more problematic (see below).

Original demands not addressed

Fourth, clearly these incentives alone will not be enough to impel armed groups to sign any peace agreement: they will insist that some of their original demands, those that drove them to take up arms, be met as well. Where such incentives, such as autonomy, are the original demands, this may facilitate agreement. The SPLM/A's platform had for some time alternately included fundamental change in the national government and regional independence; it achieved the first at least formally, and the prospect of the second through a referendum in the CPA. By comparison, LTTE demands for autonomy have only ever been met historically by very weak decentralization, and devolution remains a 'dirty word' in mainstream Sri Lankan politics. Indeed, the only power-sharing that does occur in Sri Lanka, within electoral politics, has tended to radicalize politics, as mainstream parties are compelled to form coalition governments with Buddhist fundamentalist parties. In Colombia, even if the government were prepared to offer the FARC or the ELN governance incentives, it is unclear what the appeal of these would be in the absence of fundamental reform of the land system and given the economic disparities that have been central to the rebels' motivations, or at least their ideological arguments.

'Spoilers'

Finally, these incentives can seldom eliminate the 'spoiler problem', and may actually create spoilers, or at least consolidate opposition of groups that were previously positive or neutral toward the peace process. Peace agreements can seldom be comprehensive given the large number of interested parties. Opposition groups, armed or otherwise, as well as government hard-liners, may oppose peace agreements that exclude them or that they feel give away too much. Disenfranchised groups may even take up arms if they see agreements progressing that appear to exclude them and divide the pie of power and resources in a permanent fashion.

Why agreements often don't last

Alternatively, while peace agreements that utilize some or all of these governance incentives may be concluded successfully, a number of challenges may arise at the implementation level.

Incentives not valued, or easily obtained through violation

Parties may conclude an agreement, but one or more may then easily violate it either because the incentives were not important to the group, or because the group can achieve its goals, and more, through violence. An example is the 1999 Lomé Accord in Sierra Leone, which provided the RUF leadership with access to control over resources, directly and indirectly. Not only was Foday Sankoh made a vice president and a minister with control over diamond mines, but Johnny Paul Koroma was also made the head of the government commission for peace consolidation. Yet as we know, the RUF rapidly returned to fighting—control over diamonds was an insufficient incentive, as the RUF already had attained de facto control over many mines. And evidently, broader political rule was not of significant interest to the RUF either.

Incentives of lower value or group unable to exploit them

A group may sign an agreement involving incentives that are of lesser interest to them, or that they are unable to partake of adequately. In Sudan, for example, many suggest that the SPLM really was interested in the possibility of complete independence, interim autonomy, resources, and autonomous security forces. The Comprehensive Peace Agreement gave it all of these things, as well as proportional participation in the central government, and in joint security forces. But many in the SPLM/A forces have resisted the idea of participating in joint security forces and being redeployed outside what they expect to be their own country in the future. Many of the SPLM members who have taken up posts as heads of government ministries appear to have been unprepared for their roles, or are unable to actually direct embedded bureaucracies. In

Colombia, when the rebel group M-19 disarmed and formed a political party, it was considered unusually prepared, as a group led by many urban educated people, to function in politics. Yet while a few individual politicians were able to thrive, the party failed.

Mistrust or cheating imported into governance Further difficulties may arise when patterns of mistrust and cheating are simply transported into institutions of governance, new and old. In Sudan, many of the institutions developed by the peace agreement to ensure implementation of specific governance incentives—the petroleum commission, the DDR commissions, and the like—have not been operational, or have been highly dysfunctional. In Sudan, when SPLM members were placed at the head of key ministries, many of the functions of those ministries were first transferred to presidency, which was dominated by the NCP and the old government. Such cheating and manipulation of institutional structures can increase mistrust and, where it is severe, provoke a revival of tensions or even conflict. Nascent state institutions may be unable to manage conflict, or conflict may be managed in repressive ways. The result could be collapse of a peace agreement, failure of state institutions, or more violent resolution of disputes.

Incentives for extremism

Implementation may fail or have unintended consequences when power-sharing fails to create a grand coalition, but rather creates incentives for extremism and ethnic or political hard-liner outbidding. Centrist parties may be pulled to one extreme and find themselves able to maintain power only by forming coalitions with extremist parties, or by taking more extreme stands themselves. While the electoral system in Sri Lanka is not the direct result of a power-sharing peace agreement, this may explain why politicians who reach power advocating peace have often quickly formed coalitions with hard-line Buddhist parties such as the JHU or JVP.

Promotion of separatist demands

A related challenge is that regionalization, territorial autonomy, and certain modes of federalism or decentralization may encourage separatist tendencies and the breakup of the state. Alternatively, such strategies may encourage the homogenization of populations. Where pre-conflict populations were mixed and were displaced into more homogeneous communities by conflict, they may not remix after the conflict, or may do so very slowly. Further, autonomous territories may not be sustainable without serious resource commitments from the central government or the international community. Obviously, central governments, which are likely to be dominated by a group that is ethnically, linguistically, or religiously distinct from the majority of the autonomous region, may not be committed to financing that autonomy. Some analysts suggest that this explains the breakdown of Sudan's Addis Ababa Agreement of 1972; conversely, the presence of oil and the development of oil extraction in southern Sudan today could in theory assist its government in developing its own capacity over time. The international community might support and aid an autonomous region, such as Kosovo, but concern about the maintenance of sovereignty and the stability of states means it won't often do so.

Lack of long-term commitment

Further, one or more parties may have committed to power-sharing arrangements out of short-term pragmatism rather than as part of long-term policy. If they see governance arrangements as mere tools to achieve power through nonviolent means, they may be unlikely to comply with the agreement if they feel the strategy is failing—for example, because an adversary is likely to do better outside elections. This may particularly be the case if power-sharing is viewed as imported or externally imposed, as was arguably the case in Bosnia-Herzegovina. Where politics is historically clientelistic, corrupt, personalistic, or absolutist, parties committing to democratization and power-sharing may do so for cynical or short-term ends, and will eventually seek to obtain absolute power. It has been argued that this was the case in Cambodia in the mid-1990s, and in many African states that emerged from conflict.

Exclusion from agreements promotes radicalization or new demands

An extremely dangerous risk is the creation of new conflicts, or the stoking of existing conflicts, where power-sharing excludes significant parties or interests. The pragmatic choice to include only warring parties, or only powerful parties, at the negotiating table spawns potential new spoilers. Some Muslims in Sri Lanka, persistently excluded from the formal negotiating process, have become increasingly radicalized, and may see violence as the only route to staking a claim. The CPA in Sudan appears to have incited groups in the east and Darfur to use violence to get their demands heard regarding land, resources, and discrimination, out of concern that the north, under the peace agreement, will divide the power and resources of the country with the south while keeping them marginalized.

Violence amongst former allies

After an agreement, violence may erupt not among former enemies but among former allies. This is not a problem unique to power-sharing arrangements, but may well emerge in them. Peace agreements generally seek to address the grievances that initiated the original conflict, and power-sharing seeks to address the fears and demands of the original combatants in relation to each other. However, in either a former government or a former rebel group, one or more factions may be privileged over others in the division of the 'spoils' of peace. If this is the case, fighting and factional divisions among former allies, or rifts within groups, may result. In Sri Lanka, the split of the Karuna faction with the LTTE, which occurred during the cease-fire rather than the implementation stage, was nonetheless indicative of concerns within the rebel group that any potential peace agreement would privilege northern Tamils over eastern Tamils. This fear might help to explain the otherwise curious collaboration of the Karuna faction with the Sri Lankan army.

Unstable regions and interference by neighbours

Finally, implementation of power-sharing may be challenged in unstable regions, or where neighbours interfere in the peace process. The involvement of other states may destabilize internal pacts, whether the neighbouring states' interests are political, or also linked to ethnic kinship or rivalries. Thus scholars have pointed to the destabilizing role of both Israel and Syria in Lebanon, or of neighbouring states and refugee flows in Rwanda, on power-sharing arrangements.

Ideal conditions seldom exist

It is critical to recognize that ideal conditions for negotiating and implementing power-sharing arrangements seldom exist, precisely because of the security dilemma and mistrust that such arrangements are designed to alleviate. Though power-sharing arrangements have achieved well-documented success in stabilizing some ethnically divided countries in Europe, such as Belgium, promoting and implementing such arrangements in countries with recent histories of bloody, often protracted, violent conflict has proven rather more difficult, as demonstrated by several in-depth studies of negotiations in Sudan, Sri Lanka, and Colombia, as well as the survey of post–Cold War peace agreements that incorporated such arrangements. This is perhaps not surprising, if we consider how many challenges exist in such situations.

What can be done? Policy options and recommendations

Given that ideal conditions seldom exist, and in particular third-party guarantees may not be available, what options remain for peacemakers? Should power-sharing approaches be abandoned? A number of options and recommendations emerge from our studies which might guide peacemakers.

Develop an agreement without power-sharing

Given some of the pitfalls of both negotiating and implementing peace deals involving power-sharing, policymakers should carefully consider whether these types of incentives are likely to have appeal in the situation and with the groups at hand. They should not assume that such incentives will work. In such circumstances, policymakers may need to consider which incentives or assurances may have greater traction. However, if one seeks to promote power-sharing arrangements, they may need to be better-designed for the situation at hand.

Carefully consider which incentives might matter

Peacemakers should carefully consider which incentives might matter to the particular groups at hand: a group which has clearly and consistently sought access to political power, or has even administered a territory in a de facto rather than de jure fashion might be more interested in posts in the executive, legislature, or bureaucracy.

Consider why even apparently good incentives may not suffice

Even incentives which would appear to fit a group's agenda may not suffice: for example many viewed the RUF in Sierra Leone as primarily interested in access to resources. This may have been the case, but relatively significant control over diamond mines did not suffice.

Identify means to bolster the value of incentives

Incentives such as participation in political governance may lose value where they cannot be fully exploited. Measures such as technical support and training may bolster a group's capacity to engage in governance, as might material assistance.

Key recommendations: a summary

- Develop an agreement without power-sharing
- Carefully consider which incentives might matter
- Consider why even apparently good incentives may not suffice
- Identify means to bolster the value of incentives

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The Centre on Human Rights in Conflict (CHRC) is an interdisciplinary centre promoting policy-relevant research and events aimed at developing greater knowledge about the relationship between human rights and conflict.

Our work in human rights and armed conflict addresses the complex interplay between human rights and armed conflict, including human rights violations as both cause and consequence of violent conflict, the dilemma of pursuing justice as well as peacebuilding, and the unique challenges for the protection of human rights posed by illegal armed groups and terrorist organizations. Specific research and events have been developed in three areas: Rule of Law in Post-Conflict Situations, Business and Human Rights in Conflict, and Accountability, Reconciliation and DDR in Post-Conflict Situations. Further information can be found at www.uel.ac.uk/chrc.

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