THE UNIVERSITY of EDINBURGH

Edinburgh Research Explorer

Unsettling Bargains?

Citation for published version:
Bell, C 2015, *Unsettling Bargains? Power-sharing and the Inclusion of Women in Peace Negotiations*. Political Settlements Reports, Political Settlements Research Programme. <http://www.politicalsettlements.org/files/2015/10/Unsettling-Bargains-8-October-2015.pdf>

Link:
Link to publication record in Edinburgh Research Explorer

Document Version:
Publisher's PDF, also known as Version of record

General rights
Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy
The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.

Download date: 04. Jul. 2022

EXECUTIVE SUMMARY

Unsettling Bargains?

Power-sharing and the Inclusion of Women in Peace Negotiations

Professor Christine Bell

University of Edinburgh

Report 2

Political Settlements Research Programme
PoliticalSetttlements@ed.ac.uk
www.politicalsettlements.org
@PolSettlements

Political Settlements Research Programme (PSRP)
Global Justice Academy
School of Law
Old College
University of Edinburgh
South Bridge
Edinburgh
EH8 9YL

Tel. +44 (0)131 651 4566
Fax. +44 (0)131 650 2005
E-mail: PoliticalSetttlements@ed.ac.uk
www.politicalsettlements.org
@PolSettlements

Any use of this work should acknowledge the author and the Political Settlements Research Programme. For online use, we ask readers to link to the original resource on the PSRP website.

© Christine Bell 2015.

Acknowledgements

This report is an output from the new Political Settlements Research Programme (www.politicalsettlements.org), a programme funded by the UK Aid from the UK Department for International Development (DFID) for the benefit of developing countries, and involving the Global Justice Academy, University of Edinburgh, Conciliation Resources, Institute for Security Studies, Rift Valley Institute, and the Transitional Justice Institute, University of Ulster.

The research has also received funding from UN Women in support of its work supporting the Global Study on the implementation of UNSC Resolution 1325 and the High-level review of that resolution by the UN Secretary-General (http://www.unwomen.org/en/news/in-focus/women-peace-security/1325-review-and-global-study).

However, the views expressed and information contained herein are not necessarily those of or endorsed by DFID or UN Women. These organisations can accept no responsibility for such views or information or for any reliance placed on them.

The underlying data collection has also received additional funding form the College of Arts and Humanities, Knowledge transfer fund, of the University of Edinburgh, and the database technology was developed by Development Services, University of Edinburgh, with particular thanks to John Allison and Bill Lee.

The author would also like to acknowledge the research assistance of Celia Davies without whom the report and data collection would have been impossible. I would also like to thank Meg King, Laura Martin, Sissela Matzner, Laura Murdoch, Anna Ross, Jenna Sapiano, and Susan Thomson for coding research assistance and acknowledge the administrative support of Harriet Cornell. I am also grateful for feedback on an earlier draft from Dr Catherine O'Rourke, Transitional Justice Institute, University of Ulster, Dr Sahla Aroussi, Coventry University, and reviewers in UN Women. Remaining mistakes or errors are my own.

The photograph used on the cover page is subject to copyright and may not be reproduced for any reason without permission of the artist, Robert Henderson, and the Global Justice Academy, see further at: www.politicalsettlements.org/thanks/photography

About Us

The Political Settlements Research Programme (PSRP) is centrally concerned with how political settlements can be made more inclusive of those affected by them, to include more than political elites without undermining their stability. In particular, the programme examines the relationship between stability and inclusion, sometimes understood as a relationship between peace-making and justice.

The programme is addressing three broad research questions relating to political settlements:

1. How do different types of political settlement emerge, and what are the actors, institutions, resources, and practices that shape them?

2. How can political settlements be improved by internally-driven initiatives, including the impact of gender-inclusive processes and rule of law institutions?

3. How, and with what interventions, can external actors change political settlements?

The PSRP involves a consortium of five organisations:

- The Global Justice Academy - University of Edinburgh: http://www.globaljusticeacademy.ed.ac.uk
- Conciliation Resources: http://www.c-r.org
- The Institute for Security Studies: https://www.issafrica.org
- The Rift Valley Institute: http://www.riftvalley.net
- The Transitional Justice Institute - University of Ulster: http://www.ulster.ac.uk/research-and-innovation/research-institutes/transitional-justice-institute

Find out more at: www.politicalsettlements.org

Unsettling Bargains?

Power-sharing and the Inclusion of Women in Peace Negotiations

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 provision

The report draws on a new peace agreement database: the Peace Agreement Access tool PA- X which will shortly be available at www.peaceagreements.org. In particular it uses a dataset from PA-X (see power-sharing data in tables Appendix one), together with gender quota data from Quota Project (www.quotaproject.org/).

The report observes that:

- Power-sharing remains attractive as a conflict-resolution technique because it offers a technique of power-splitting, politically, territorially and militarily, which is capable of providing a compromise to parties engage in violent conflict. These are elite pacts which have the potential for stabilising political conflict by opening up the central governance arrangements to be more inclusive, but also have the potential for leaving untouched or even making worse other forms of exclusion, notably that of women.
  Power-sharing arrangements therefore have to be engaged with by women and those seeking women's equality in peace processes

- Power-sharing arrangements also find some root in group-based approachs equality rights standards which focus on equality of outcome – a focus that also supports provision for 'special temporary measures' for women, for example in the form of legislative quotas, and the idea of UNSC Resolution 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.

- 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

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

- Conceptually while power-sharing arrangements have standard liberal objections which are shared by women and by feminist scholars, these need to be understood against the backdrop of the difficulty and desirability of majoritarian liberal arrangements for divided societies and 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 produced for the report 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. 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 electoral systems.

    - 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), although at least two of these situations are also cases of wider 'state failure'.

- It may be that both transitions from one regime to another, bargains focused on group participation, and 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. Such as case study work as exists, indicates that women do find it difficult to continue to negotiate inclusion in such arrangements, and face problems that are distinct from the problems of majoritarian liberal democratic political structures.

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 required, and 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. More consideration should be given to the inclusion of women and gender perspectives that the pre-negotiation stage of a peace process where broad

commitments are often made to inclusive governments, or the desirability of governments of national unity, as this is often when pathways are set and where specific reference to gender balance and a commitment to women's equality and women's rights is important to ensuring that power-sharing governments pay adequate attention to inclusion of women.

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, and 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 make a real difference to participation of women and levels of women in legislatures. Electoral assistance bodies, peace building operations and those involved in implementation of peace agreements should be aware that there will be clear opportunities and often political 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 and the sanctions in place for non-compliance as affecting the outcome of gender quotas in terms of numbers of women elected, as well as to the nature of the quota itself.

7. Good practice on political power-sharing and inclusion of women should be shared.

8. Understanding and predicting how different power-sharing models will allocate seats, ministries and power, is difficult and involves technical analysis. 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 given to women and women's organisations so that women are assisted 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 customs laws, and references in the peace agreement, legislation or constitutions, 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 involving reconfiguration of forces and lines of control, should pay attention to the use and location of fire arms, with the aim of accounting for them and reducing them.

12. Economic power-sharing arrangements should pay attention to the status of women, and the ways in which wealth-sharing arrangements, will be tied to

delivery of broader socio-economic goods to women.

13. Further research on women's experience of power-sharing should be supported.
14. Further research on the outcome of power-sharing arrangements on stable political settlements should be supported.