

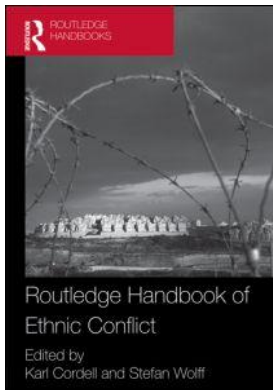
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Stefan Wolff and Karl Cordell

Power sharing: an intellectual and empirical history

John Stuart Mill's scepticism with regard to the possibility of democracy 'in a country made up of different nationalities' (Mill 1861: 230) is perhaps the best-known and most widely cited scholarly reflection of a phenomenon empirically all too often observable as violent ethnic conflict. Yet, Mill's scepticism has not, to date, resulted in either ever more homogeneous democratic states or in an inability of heterogeneous countries to become democratic polities. Rather, Mill's dictum has been taken up as a challenge by scholars and practitioners of institutional design in divided societies to find ways in which democracy and diversity can be married in stable and democratic ways. The answers given in theory and practice are vastly different, and a debate thus continues unabated over which institutional design is best able to provide sustainable democracy in ethnically heterogeneous societies. One such answer is 'consociational democracy', prominently associated with the work of Arend Lijphart, as well as more recently with that of John McGarry and Brendan O'Leary. Lijphart began to examine this particular type of democratic system in greater detail for the first time in the late 1960s, when making reference to the political systems of Scandinavian countries and of the Netherlands and Belgium (Lijphart 1968, 1969). He followed up with further studies of political stability in cases of severely socially fragmented societies, eventually leading to his ground-breaking work *Democracy in Plural Societies* (Lijphart 1977). The phenomenon Lijphart was describing, however, was not new. As a pattern of social structure, characterising a society fragmented by religious, linguistic, ideological, or other cultural segmentation, it had existed and been studied (albeit not as extensively) long before the 1960s. These structural aspects, studied among others by Lorwin (1971), were not the primary concern of Lijphart, who was more interested in why, despite their fragmentation, such societies maintained a stable political process, and identified the behaviour of political elites as the main, but not the only, reason for stability. Furthermore, Lijphart (1977: 25–52) identified four features shared by consociational systems – a grand coalition government (between parties from different segments of society), segmental autonomy (in the cultural sector), proportionality (in the voting system and in public sector employment), and minority veto. These characteristics, more or less prominently, were exhibited by all the classic examples of consociationalism: Lebanon, Cyprus, Switzerland, Austria, the Netherlands, Belgium, Fiji and Malaysia. Some of these consociations – Switzerland, Austria, the Netherlands, and (so far) Belgium – have provided long periods of democratic political stability, while others – Lebanon, Cyprus, Fiji and Malaysia – have not. Lijphart also established conditions

conducive to consociational democracy. These included overarching, i.e. territorial, loyalties, a small number of political parties in each segment, segments of about equal size, and the existence of some cross-cutting cleavages with otherwise segmental isolation. This latter point is important, as the absence of cross-cutting cleavages seems to be a commonality in those countries in which consociation has not succeeded. In addition to Cyprus and Lebanon being examples of failed consociation, Belgium's most recent experience of protracted government formation brings it close to failure, albeit clearly not with the same violent aftermath that consociational failures in Cyprus and Lebanon had. It is striking to note that in all three examples society had become polarised around a single fault line: respectively an ethno-religious, linguistic and religious cleavage.

Lijphart's assumptions and prescriptions did not, of course, go unchallenged. He and other advocates of consociational approaches to the political accommodation of cultural diversity responded in two ways – by offering a robust defence of their views and by gradually developing consociational theory further. Lijphart himself engaged his critics most comprehensively in his book *Power Sharing in South Africa* (1985: 83–117) and in his contribution to Andrew Reynolds's *The Architecture of Democracy* (Lijphart 2002: 39–45). In the latter, he also offers a substantive revision of his original approach, now describing power sharing and autonomy (i.e. grand coalition government and segmental autonomy) as primary characteristics, while relegating proportionality and minority veto to 'secondary characteristics' (2002: 39). Yet, in relation to his grand coalition requirement, Lijphart maintains his earlier position that such executive power sharing means 'participation of representatives of all significant groups in political decision making' (2002: 41).

Subsequent developments of consociational theory, especially by John McGarry and Brendan O'Leary (McGarry 2006; McGarry and O'Leary 2004a, b; O'Leary 2005a, b), whilst acknowledging the importance of Lijphart's oeuvre, have made one important modification in particular in this respect. O'Leary contends that 'grand coalition' (in the sense of an executive encompassing all leaders of all significant parties of all significant communities) is not a necessary criterion; rather, he demonstrates that what matters for a democratic consociation 'is meaningful cross-community executive power sharing in which each significant segment is represented in the government with at least plurality levels of support within its segment' (O'Leary 2005a: 13, and below).

In order to appreciate fully the current state of consociational theory, it is useful to examine John McGarry and Brendan O'Leary's *The Northern Ireland Conflict: Consociational Engagements* (2004a, a collection of their joint and individual writings on this conflict from 1987 to 2002), in particular its co-authored introduction on the lessons that Northern Ireland holds for consociational theory more broadly. The arguments put forward by McGarry and O'Leary here have also been rehearsed elsewhere (e.g. McGarry and O'Leary 2006a,b; 2009a, b). These arguments are offered as a basis for a broad discussion among scholars on the merits of consociation (and other techniques of conflict settlement).

Northern Ireland and its 1998 Agreement, McGarry and O'Leary maintain, 'highlights six important weaknesses in traditional consociational theory' (McGarry and O'Leary 2004b: 5). These are the failure to address the role of external actors; the trans-state nature of some self-determination disputes and the necessary institutional arrangements to address them; the increasing complexity of conflict settlements in which consociational arrangements form an important element but require complementary mechanisms to

deal with ‘the design of the police, demilitarization, the return of exiles to their homes, the management of prisoners, education reform, economic policy, and the promotion of language and other group rights’ (2004b: 13); terminological and conceptual inaccuracies, primarily associated with Lijphart’s grand coalition requirement; the merits of preferential proportional electoral systems, e.g. Single Transferable Vote (STV); and the allocation of Cabinet positions by means of sequential proportionality rules, i.e. the d’Hondt mechanism. In dealing with these weaknesses, McGarry and O’Leary offer both refinements of, and advancements to, traditional consociational theory. The refinements relate, first, to the technical side of consociational institutions, where the authors recommend STV instead of List-Proportional Representation as an electoral system, as it militates against the proliferation of micro-parties. Second, McGarry and O’Leary elaborate the usefulness of sequential proportionality rules, such as the d’Hondt mechanism or the Sainte-Laguë method, in the allocation of Cabinet positions in order to avoid protracted bargaining between parties and increase parties’ incentives to remain part of cross-communal coalitions.

Before considering the remainder of O’Leary and McGarry’s recommendations, it might be useful to pause at this juncture and consider the practical implications of their recommendations as applied to Northern Ireland, a case that has informed much of their writing. Examination of election results indicates that what may be of crucial importance is not so much the employment of STV or List-PR, but how the remainders are calculated. Although the electoral system employed in Northern Ireland Assembly elections is designed to be inclusive, it inadvertently contributed to the demise of the Ulster Democratic Party and failed to foster the Progressive Unionist Party as a serious political force within wider Unionist politics. In turn it would not be unreasonable to suggest that continued Loyalist violence was legitimised in the eyes of core supporters of such groups, by virtue of the fact that the (aforementioned) parties had links with the Loyalist paramilitaries and had no (sub-) national platform on which they could articulate their grievances.

That to one side, and to return to the main theme, the advancements to traditional consociational theory offered here, as well as elsewhere in their recent writings (e.g. O’Leary 2005a, b; McGarry 2006), are a significant step forward in that they address both long-standing criticisms of consociationalism and a gap between consociational theory and conflict resolution practice. McGarry’s and O’Leary’s observations on external actors bring consociational theory in line with an established debate in international relations on the role of third parties in conflict resolution (see, for example, contributions in Otunnu and Doyle 1998; Walter and Snyder 1999; Thakur and Schnabel 2001; Carment and Schnabel 2003; Diehl and Lepgold 2003; Pugh and Singh 2003; Weller and Wolff 2008; Wolff and van Houten 2008). Equally important, their discussion of the provisions in the 1998 Agreement that go beyond domestic institutions and address the specific ‘Irish dimension’ of the Northern Ireland conflict reflect a growing awareness among scholars and practitioners of conflict resolution that many ethnic conflicts have causes and consequences beyond the boundaries of the states in which they occur and that, for settlements to be durable and stable, these dimensions need addressing as well. In the case of the 1998 Agreement for Northern Ireland, McGarry and O’Leary highlight three dimensions: cross-border institutions which formalise co-operation between the Northern Ireland Executive and the Irish government (the so-called North–South Ministerial Council) and renew British–Irish intergovernmental co-operation (the British–Irish Intergovernmental Conference); the

explicit recognition by the two governments of the right to self-determination of the people in Northern Ireland and the Republic, i.e. the possibility for them to bring about, in separate referendums, a united Ireland if that is the wish of the respective majorities; and new institutions of regional co-operation, incorporating the UK and Irish governments and the executive organs of the other two devolved regions in the United Kingdom and its three dependent island territories in the Channel and the Irish Sea.

These arrangements have earlier precedents in the history of conflict settlement in Northern Ireland, but they are not unique to this case alone. Institutions of cross-border co-operation have been utilised as part of comprehensive peace settlements elsewhere as well – for example, in South Tyrol and Bosnia and Herzegovina – and exist, of course, in less conflict-prone situations as part of arrangements between sovereign states and/or sub-state entities – for example, in the European Union's Euro-regions. If we elaborate these points, we find that the diverging fortunes of South Tyrol and Bosnia and Herzegovina vindicate O'Leary and McGarry's point about the importance of external actors. The positive support given by both Italy and Austria to the Autonomy Statute for South Tyrol has been crucial in the process of facilitating the accommodation of South Tyroleans within wider Italian society, and in diffusing what could have become a very nasty conflict. With regard to Bosnia and Herzegovina, we find the opposite to be true. Here, the relevant kin states, namely Croatia and Serbia, pay little more than lip service to the agreements that established their neighbour and, consciously or otherwise, encourage separatism that could still bring about the collapse of state structures in Bosnia and Herzegovina. As for the European Union, it is an example of one of the more successful cases of regional integration (albeit among 'equal' partners at the state or sub-state level), while the Nordic Council offers arrangements similar to the British–Irish Council in bringing together sovereign states and self-governing territories within them (cf. Danspeckgruber 2005; Nauclér 2005).

As far as the possibility of future status changes are concerned, such possibilities are not unique to Northern Ireland or indeed the 1998 Agreement. In recent Northern Ireland history a so-called border poll took place in 1973 but was almost completely boycotted by nationalists and republicans. There had been an initial British commitment to hold such polls at ten-year intervals, but this was unceremoniously and quietly abandoned when it was seen to have inadvertently strengthened the hand of hard-liners within the Unionist spectrum. Farther afield, the people of the Autonomous Republic of Gagauzia in Moldova would have a one-off opportunity to exercise their right to (external) self-determination if Moldova were to join Romania. The Comprehensive Peace Agreement for Sudan offers the people in the South a referendum on independence after six years (cf. Weller 2005), while the Bougainville Peace Agreement includes a clause that envisages a referendum on independence to be held in Bougainville after ten to fifteen years. Crucially, in all these situations, and including Northern Ireland, the signatory parties have committed to respecting the outcome of these referendums.

A final, and perhaps the most significant, advancement of consociational theory is McGarry and O'Leary's contention that Lijphart's grand coalition requirement is overstated, as 'what makes consociations feasible and work is joint consent across the significant communities, with the emphasis on jointness' (McGarry and O'Leary 2004b: 15). On that basis, they distinguish 'unanimous consociations (grand coalitions), concurrent consociations (in which the executive has majority support in each significant segment) and weak consociations (where the executive may have only a plurality level

of support amongst one or more segments' (ibid.). The subsequent assertion, also repeated in other writings, that '[c]onsociations become undemocratic when elites govern with factional or lower levels of support within their segments' (McGarry and O'Leary 2004b: 15) is not fully convincing either theoretically or empirically, however. Theoretically, assuming that 'support' means electoral support, a consociation is democratic or not if its executive emerges in free and fair elections, not if it fulfils certain numerical tests. Implicitly, what seems to be at stake is less the democratic credentials of the arrangement, but its consociational nature, especially the criterion of jointness, as jointness, more generally, implies equality and co-operation across blocs and some genuine consent among the relevant mass publics for a democratic consociation and thus excludes just any coalition, as well as co-optation of unrepresentative minority 'leaders.' By extension, an arrangement in which elites govern with low levels of support from within their segments might also prove less stable compared to one in which an executive can rely on broader levels of support. This was certainly true of Lebanon by the early 1970s, where for a variety of reasons the unreformed consociational mechanisms that had been in place since independence from France could no longer satisfy significant sections of Lebanese society.

Insisting that plurality support is a minimum requirement for democratic consociations is also empirically not without difficulties. In South Tyrol, for example, the only formal requirement for the provincial executive is that it must reflect the numerical strength of the linguistic groups as represented in the provincial parliament. This means that an Italian party with less than plurality support can become a coalition partner of a German party as long as it sends sufficient numbers of Ministers into the provincial Cabinet that reflect the total numerical strength of all Italian parties in the provincial parliament and provided that this government commands the required majority in parliament.

The more recent writings by Lijphart, McGarry and O'Leary also indicate a clear move from corporate toward liberal consociational power sharing. Corporate consociationalism, however, is still evident to some extent in political practice: for example, Bosnia and Herzegovina, under the original Dayton Accords, Northern Ireland under the 1998 Agreement, Lebanon under the National Pact and under the 1989 Ta'if Accord, Cyprus under the 1960 constitution and proposed (but rejected) Annan Plan all display features of predetermined arrangements based on ascriptive identities. The main difference between the two is that a 'corporate consociation accommodates groups according to ascriptive criteria, and rests on the assumption that group identities are fixed, and that groups are both internally homogeneous and externally bounded,' while 'liberal ... consociation ... rewards whatever salient political identities emerge in democratic elections, whether these are based on ethnic groups, or on sub-group or trans-group identities' (McGarry 2006: 3; see also Lijphart 1995; O'Leary 2005a). This is another important modification of consociational theory that addresses one of its more profound, and empirically more valid, criticisms, namely that (corporate) consociations further entrench and institutionalise pre-existing, and often conflict-hardened, ethnic identities, thus decreasing the incentives for elites to moderate (e.g. Horowitz 1985: 566–76, 1991: 167 ff., 2003: 119). Once again Lebanon provides a useful example. Here ethno-religious identities are so entrenched within the fabric of the state that it is virtually impossible legally to leave one community and join another. Similarly, although in Northern Ireland the Good Friday Agreement of 1998 has certainly delivered at one level, at another it has not. While political institutions,

contrary to many predictions, continue to function, social segregation remains high. In fact, given the political programmes of the two governing parties and their mutually exclusive ideological profiles, it makes little sense for them to promote integration, as opposed to co-operation across the divide. In the case of Lebanon in the 1970s, elites both fed and succumbed to pressures from below, eventually causing the collapse of political institutions, the state itself, and ultimately civil war. There is no sign of this being apparent in Northern Ireland. However, as stated, neither is there any real sign that mental and physical barriers are diminishing.

Beyond power sharing? The complementarity of power sharing with other conflict settlement approaches

Territorial self-governance is an accepted feature within the liberal consociational approach emphasising that the self-governing territory should define itself from the bottom up, rather than be prescribed top-down. In the context of Iraq, for example, McGarry (2006: 6–7) explains how this process has been enshrined in the Iraqi constitution:

Kirkuk can choose to join Kurdistan if its people want. Governorates in other parts of the country are permitted to amalgamate, forming regions, if there is democratic support in each governorate. In this case, a twin democratic threshold is proposed: a vote within a governorate's assembly and a referendum. ... It is also possible for Shi'a-dominated governorates that do not accept SCIRI's vision to remain separate, and, indeed for any governorate that may be, or may become, dominated by secularists to avoid inclusion in a sharia-ruled Shiastan or Sunnistan.

Liberal consociationalists also support the principle of asymmetric devolution of powers, i.e. the possibility for some self-governing entities to enjoy more (or fewer) competences than others, depending on the preferences of their populations (cf. McGarry 2007). However, in order to be genuine, self-governance needs to be complemented with what liberal consociationalists term 'shared rule', i.e. the exercise of power at and by the centre and across the state as a whole. Yet we must distinguish between theory and practice. For example, Russia is characterised by asymmetric devolution of powers and indeed purports to be federal in character. However, the practice of politics in Russia tells us that presidential (and prime ministerial) caprice and whim count for more than does the constitution. While grand coalitions, proportionality and minority veto rights continue to be favoured by liberal consociationalists, when it comes to power sharing the emphasis is on co-operation and consensus among democratically legitimised elites, regardless of whether they emerge on the basis of group identities, ideology or other common interest. They thus favour parliamentary systems, while acknowledging the merit and frequency of collective or rotating presidencies in existing functioning consociations, proportional (PR list) or proportional preferential (STV) electoral systems, decision-making procedures that require qualified and/or concurrent majorities, and have also advocated, at times, the application of the d'Hondt rule for the formation of executives (cf. Lijphart 2004; O'Leary 2005a; O'Leary et al. 2005; see also Wolff 2003).

This means that liberal consociationalists prefer what O'Leary refers to as 'pluralist federations,' in which co-sovereign sub-state and central governments have clearly

defined exclusive competences (albeit with the possibility of some concurrent competences) whose assignment to either level of authority is constitutionally and, ideally, internationally protected, in which decision making at the centre is consensual (between self-governing entities and the centre, and among elites representing different interest groups), and which recognise and protect the presence of different self-determined identities (O'Leary 2005b). This preference for pluralist federations, however, remains context-dependent, and is not per se part of liberal consociational thinking. In some circumstances, e.g. where ethnic communities are not ethnonationalist (i.e. demanding their own governance institutions), it is quite possible that a unitary state with power sharing at the centre will suffice as a mechanism to settle conflicts.

In order to protect individuals against the abuse of power by majorities at the state level or the level of self-governing entities, liberal consociationalism offers two remedies – the replication of its core institutional prescriptions within the self-governing entity, and the establishment and enforcement of strong human and minority rights regimes at both the state and sub-state levels. Canada provides us with a good example of such practices. Not only is the state federal, but Quebec enjoys a unique relationship with the remainder of the federation, and with the creation of Nunavut special (administrative) provision for at least some of Canada's indigenous peoples exist within a federal framework that is reinforced by a robust minority rights regime. As the example of Canada further shows, the rights of communities – minorities and majorities alike – are best protected in a liberal consociational system if its key provisions are enshrined in the constitution and if the interpretation and upholding of the constitution are left to an independent and representative constitutional court whose decisions are binding on executive and legislature (cf. O'Leary 2005b: 55–58).

Key to liberal consociational prescriptions of institutional design in divided societies is, therefore, the emphasis on the protection of self-determined (rather than predetermined) identity groups through ensuring both their representation and effective participation in decision making especially in the legislature and executive. The underlying assumption here is that representation and participation together will ensure that different identity groups recognise that their aims can be achieved, and interests protected, by political means and do not require recourse to violence. This point reinforces our earlier comment that consociations are most vulnerable either to violence or effective disintegration when the consociation has been constructed in a society that lacks cross-cutting cleavages.

The examples of Belgium and Lebanon are instructive with regard to this point. Although both possessed the ingredients necessary for the development of cross-cutting cleavages, both failed to do so. Instead society became polarised around two major fault lines. In the case of Lebanon civil war resulted, and in the case of Belgium it could be argued that a post-consociational system is now in place that has full separation as its probable logical conclusion.

A striking feature of contemporary conflict resolution *practice* is that a large number of actual and proposed settlements involve a broad range of different conflict settlement mechanisms compatible with liberal consociational prescriptions, as empirically illustrated by Weller and Metzger (2008) and Wolff (2008a, b, 2009a, b, in press). This reflects the assumption that a combination of consociational and other mechanisms can indeed provide institutional solutions that are both acceptable to negotiators and conducive to accommodating conflict parties in an institutional framework in which they can settle their disputes by peaceful means. The need to combine a range of different mechanisms has been increasingly understood by practitioners of conflict resolution and

has led to an emerging practice of conflict settlement that can be referred to as ‘complex power sharing’. The term ‘complex power sharing’ was first used and conceptualised in a research project funded by the Carnegie Corporation of New York (‘Resolving Self-determination Disputes through Complex Power Sharing Arrangements’). There, complex power sharing regimes were distinguished ‘in that they no longer depend solely on consociational theory, or solely upon integrative theory’, involve international actors that ‘are often key in designing, or bringing experience to bear upon, the structure of the eventual agreement, or its implementation’ and ‘consider a far broader range of issues ... and ... address structural issues as diverse as economic management, civil–military relations and human and minority rights, and...do so at many different levels of government’, thus recognising ‘that at different levels of government, different strategies may be more, or less, applicable, and consequently more, or less, successful, in engendering peace and stability’ (Kettley et al. 2001: 4–5; Weller 2008). In a somewhat similar vein, O’Leary (2005a: 34–35) uses the term ‘complex consociation’.

Complex power sharing, thus, describes a practice of conflict settlement that requires a relatively complex institutional structure across different layers of authority from the centre down to local government units and that cannot be reduced to autonomy/(ethno-)federation, (traditional) models of power sharing, centripetalism or power dividing, but rather represents a combination of them. Bosnia and Herzegovina provide us with a good example of such practices, and also neatly illustrate the short-term advantages and long-term drawbacks of such practices. However, liberal consociationalism, both as a theory and as a set of policy prescriptions, is open to incorporation of elements from other approaches, including, for example, centripetalism and territorial pluralism. Within a liberal consociational framework, there is room (and a recognised need) for a range of strategies not traditionally part of the core consociational prescription, including a strong role for judicial entrenchment and enforcement mechanisms, and universally applicable and enforceable human rights legislation. Liberal consociationalism is also open to a vertical division of power on the basis of non-ascriptive, i.e., non-ethnic, criteria without ruling out that self-determined entities on that basis emerge and desire territorial or corporate self-governance.

Yet, liberal consociationalism is not synonymous with complex power sharing, even though it offers a promising point of departure for a new research agenda on conflict resolution theory. In order to make a significant contribution to existing debates, a theory of complex power sharing would need to accomplish several tasks. First, most existing theories of conflict resolution are consequence-focused, i.e. they seek to explain why certain institutional designs offer the prospect of sustainable peace and stability, while others do not. They do this by offering normative and pragmatic accounts of the desirability and feasibility of particular institutions in divided societies, but these are not always, let alone successfully, grounded in theories of conflict, nor are the assumptions made about the drivers of conflict always fully spelt out. Yet it is essential to understand the causes of conflict before viable prescriptions for its resolution can be offered. This is not to suggest that any single theory of conflict will be able to explain every distinct conflict, but rather that more reflection is needed about what institutions can address what causes. Fear requires a different response than deprivation, and people driven to violence by their desire for power need to be dealt with in a different way than those who fear the loss of their culture.

In other words, a theory of complex power sharing would need to explain why we find empirically a greater mix of institutions than existing theories recommend.

Factoring in causes of conflict is one aspect of this, but two others are equally important. The first one has been examined at some length already and relates to the process of settlement, that is, the structure of negotiations and the nature of the different actors participating in them (e.g. Horowitz 2002, 2008; Eklund et al. 2005; Galbraith 2005). The second one is a more careful consideration of ‘objective’ factors that might privilege certain institutions in their presence. For example, as O’Leary and McGarry illustrate in the case of Northern Ireland, the fact that this region is territorially distinct and clearly delineated, ethnically mixed, and that its two major groups have strong preferences for links with different actors outside their region, created a path toward a regional consociation embedded in two cross-border arrangements – the North–South Ministerial Council and the Council of the British Isles (cf. McGarry and O’Leary 2004b). McGarry et al. (2008) also briefly discuss structural conditions under which integration (in this chapter’s terminology: mechanisms of centripetalism and power dividing) and accommodation (in this chapter’s terminology: mechanisms of territorial self-governance and power sharing) are appropriate conflict settlement strategies, while Wolff (in press) develops an argument based on structural factors more systematically and applies it to a broader range of cases.

Apart from the question why complex power-sharing settlements emerge, a proper theory of conflict resolution also needs to be able to explain why they fail or succeed, i.e. it needs to identify the conditions under which they can provide long-term peace and stability in divided societies. Ultimately, this can only be done empirically and thus requires a definition of what can be considered complex power-sharing settlements, the identification of relevant cases, and their analysis against standards of success and failure. On the basis of such a comprehensive theory of complex power sharing that enables us to understand why they emerge and why they succeed or fail, sensible policy recommendations for conflict settlement can be made.

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