

Power sharing, transitional governments and the role of mediation

Katia Papagianni



Power sharing, transitional governments and the role of mediation

Katia Papagianni¹

Power-sharing transitional governments are common ingredients of peacemaking and peacebuilding efforts. Power sharing guarantees the participation of representatives of significant groups in political decision making, and especially in the executive, but also in the legislature, judiciary, police and army. By dividing power among rival groups during the transition, power sharing reduces the danger that one party will become dominant and threaten the security of others. Liberia, Burundi, the Democratic Republic of Congo, Kenya, Nepal, Iraq and Afghanistan are examples of countries where power-sharing transitional governments were responsible for guiding the complex processes of demobilisation and re-integration of combatants, return of displaced persons, preparation of elections and the negotiation of new constitutions.

This paper focuses on the sharing of power in the transitional executive and legislature, and argues that the international community has an important role to play in assisting power-sharing governments to manage their countries' political transition. Members of power-sharing transitional governments need to resolve major disagreements among themselves, which were not settled in peace agreements. Also, interest groups excluded from the peace talks may demand to enter the political arena before elections are held and challenge the legitimacy of transitional governments led by wartime elites. Both the sharing of power among former enemies and the demands of excluded opposition groups are difficult to manage and are potentially conflict-provoking. There is a role for external actors therefore, to assist transitional power-sharing governments in managing these various challenges.

¹ Katia Papagianni heads the Mediation Support Programme at the Centre for Humanitarian Dialogue. She has worked previously for UNDP, UN OHCHR, the National Democratic Institute, and the OSCE. Her field experience includes work in Bosnia and Herzegovina, Russia and Iraq. She holds a doctorate in political science from Columbia University and teaches on peace- and state-building at the Geneva Graduate Institute of International and Development Studies.

The author would like to thank for their comments: Elizabeth Cousens, Susanne Gentz, Caroline Johnnigk, David Petrasek, Meredith Preston McGhie, Michael Vatikiotis and Céline Yvon.

The international community seems to underestimate the need for third-party political engagement during transitional periods. Greater attention is paid to talks leading to peace agreements, while the negotiations taking place during the transitional period are not always equally supported. The fact that a government of national unity is in place is often seen as the return to 'normality' and as the beginning of reconstruction and other 'post-conflict' activities. The skills deployed during transitional periods do not adequately include those required for mediation and continued political engagement. This approach reflects the exhaustion of international actors following lengthy peace talks, and the hope that peace agreements will bring the 'end' to the mediation process and the beginning of something significantly different. This approach is unfortunate given that the track record of transitional power-sharing governments shows that very often they require substantial support to achieve their goals.

Transitional power sharing and third-party engagement

Third-party political engagement in transitions is about facilitating dialogue among the partners of power-sharing governments, who typically have many unresolved issues to discuss, while also mediating between power-sharing governments and other important political actors who demand representation and influence in the transitional period. The task of facilitating negotiations among the parties is not completed with the signing of agreements and needs to continue through the transitional period.

In addition to offering much-needed security guarantees, the role of third parties is to encourage, and pressure when necessary, national leaders to implement joint agreements with their former enemies and to reach out to non-signatories of the peace settlement. Convincing domestic elites to join a single, national-level political process is not a simple task. It requires the investment of considerable political energy by external actors. Once in place, power-sharing governments tend to resist the continued intrusion of third parties in their affairs. They especially resist outside involvement when they use power-sharing transitions as opportunities to solidify their power bases and construct institutions that promote their interests in the long term. External involvement is particularly bothersome to these elites, when it advocates for expansion of political inclusion and thus for the dilution of the privileges of the power-sharing elites.

However, excessive interference or inappropriate contribution of external actors in the political process can have multiple negative consequences. Instead of encouraging national leaders to initiate inclusive political processes, external actors often prevent adequate consultation by imposing deadlines related to their own timetables and interests. They favour the participation of certain political groups and leaders over others based on their own interests and understanding of a country's political realities, and they impose their favourite models of consultation over those derived from national political tradition. Furthermore, external actors inevitably make assumptions, which are not always accurate, about a given society and the 'desired' or 'appropriate' outcome of its political transition. It is therefore important that national leaders are in the driving seat of transitional politics, with external actors, when necessary, pushing for inclusive political processes and for the expansion of political participation.

This paper makes three arguments.

1 The transitional period is a continuation of the peace talks and, as far as possible, international engagement facilitating these talks should remain in place. Third parties should see power-sharing transitional governments as vehicles through which the parties continue talking and negotiating. Given that not everything is resolved in peace agreements, the transitional period is an opportunity for the parties to stay engaged.

2 Transitional periods are opportunities to expand participation beyond the signatories of peace agreements. Political engagement by third parties is often needed to bring non-signatory armed groups into the peace process, as well as to encourage power-sharing governments to allow unarmed opposition groups and the wider public to participate meaningfully in the transitional process.

3 Peace agreements should not include agreements on a country's long-term institutional arrangements. Long-term constitutions should ideally be decided through a transitional process that provides for wide-ranging elite discussions as well as public participation.

Transitional power sharing as an extension of peace talks

In transitional periods, peace talks continue in two main ways. First, efforts continue to bring into the political process armed opposition groups who refused to sign the agreement. Second, the signatories of agreements continue to negotiate the many outstanding issues within power-sharing governments. Convincing non-signatories to join the peace process is a crucial goal for the transitional period and one that benefits enormously from the support of third-party mediation. By offering a share in power, transitional governments may succeed in drawing in non-signatories whose interests may have changed or who needed additional guarantees before joining the peace process.

For example, efforts continued in Burundi after the signing of the Arusha Peace Agreement in August 2000 to bring into the political process non-signatory rebel groups. In 2003, the largest non-signatory, the National Council for the Defence of Democracy (CNDD), joined the transitional government. Talks continued, and finally in September 2006 the last rebel group signed a ceasefire agreement. In the Democratic Republic of Congo (DRC) also, the war continued in the east of the country following the establishment of the transitional government in 2003 and efforts to bring rebel groups into the political process continue to this day. In both cases, the role of third parties in mediating between the transitional governments and the non-signatories has been indispensable.

The case of Iraq demonstrates the consequences of not bringing into the political process powerful, armed opposition groups. Iraq's transition from 2003 to the adoption of the constitution in late 2005 failed to provide for a meaningful dialogue among key political elites. This alienated the Sunnis and those Baathists who could have been co-opted in the new political reality at the early stages of the transition. The policy of de-baathification and the exclusion of former Baathists from the official political process left the transitional period with

a legitimacy deficit for a substantial portion of the population. At each stage of the transitional process, the US and its Iraqi allies decided against wider inclusion in the political process, although alternatives existed which could have created a political space for dialogue. As a result of a narrowly led transitional process, the constitution adopted in 2005 was largely rejected by the Sunni population.

The second reason to see transitional periods as extensions of peace talks is that members of power-sharing governments continue to negotiate issues not addressed by the peace agreement. In Burundi, many important decisions on the peace process were reached after the 2000 Arusha agreement, including a ceasefire agreement reached only in 2003, and the country's constitution adopted in early 2005. Most power-sharing governments negotiate a number of outstanding issues, including disarmament and demobilisation of combatants, drafting electoral laws and establishment of electoral commissions, vetting state institutions, creation of a unified army and police, and writing new constitutions. These negotiations are rarely smooth. However, there is a perception within the international community that at this stage the mediation process has ended, and that different skills and types of intervention are needed.

It is true that simply sharing power among former enemies may promote moderate behaviour and encourage a positive-sum perception of politics. Especially when combined with third-party security guarantees, power sharing reduces the parties' security concerns. Their inclusion in the transition allows parties to test their opponents' commitment to respect interests other than their own. Through power sharing, the signatories of agreements continue talking, to build trust, and to offer assurances and guarantees to each other.

However, making power-sharing governments work is not a straightforward endeavour. Routine interaction and relationships among the parties are not yet established. The government partners share few, if any, common interests, have low expectations about their partners' reliability and are plagued by security fears. Power sharing is designed to make decision making slow and consensus-based in order to reassure parties that they will be consulted on matters of importance. Given divergent interests and effective veto powers by each party, transitional power-sharing governments usually fail to embark on reconstruction and reconciliation. They tend to stagnate and are often unable to take decisions.

Members of power-sharing governments may be under pressure from extremist elements within their constituencies who oppose compromise and the sharing of power with opponents. Thus, power-sharing institutions may foster 'outbidding politics', where extremist politicians within a group make radical demands on moderate leaders of their own group who participate in the government. In such cases, reaching joint decisions is extremely difficult, and leaders do not have strong incentives to move beyond the positions they held during peace talks. Given the many causes of stagnated power-sharing governments, it is crucial for third parties to remain engaged during the transitional period and to encourage governments to take decisions

and move the transition forward. This is not easy, of course, as power-sharing governments rarely welcome such engagement.

Examples of deadlocked power-sharing governments abound. In Cambodia, the shared government between Hun Sen and Prince Sihanouk, created in 1993, was paralysed by fighting between the two prime ministers and ultimately fell victim to a coup in 1997. Liberia's power-sharing transitional government was marred by corruption scandals and lack of progress in key issues. Observers argue that the leaders of armed factions blocked disarmament until they received more government jobs. Although the government had a two-year mandate to restore basic services to the population, it spent several months debating the sharing of high-level posts within the transitional institutions (ICG, January 2004).

Similarly, in Burundi, it took more than a year even to install the transitional government due to the parties' disagreement on who should lead it. The stalemate was broken only when Nelson Mandela announced that Pierre Buyoya of UPRONA would remain president for the first eighteen months of the transition, with a FRODEBU member serving as vice-president, and that in the second eighteen months these roles would be reversed (Curtis, 2007, 179). Finally, in Cote d'Ivoire, a year after the Ouagadougou Peace Accord of March 2007, little has been achieved on the two most crucial issues of the peace process: the 'identification' of the population, which will determine who is a citizen and has the right to vote; and the disarmament and re-integration of former rebels.

In addition to the above difficulties, the members of power-sharing governments are rarely cohesive and disciplined, which makes negotiations extremely difficult. In the DRC, the signatories of the Sun City Agreement did not have strong command and control over their military and political wings. There were parallel chains of command in the army, the former rebel groups, and the transitional civilian government. The transitional government included leaders with diverse and often competing agendas. Thus, although 'bringing everyone together in the ruling structures was designed to stop violent conflict, the trade-off was low governance efficiency and effectiveness' (Curtis, 2007, 191).

Burundi demonstrates the importance of sustained international engagement in transitional periods. It also demonstrates, as is often the case in mediation in general, that a lot of muscle is required for an effective third-party role. Burundi's power-sharing transitional government was inaugurated in November 2001 and stayed in power until August 2005. Throughout the transitional period, South African and regional engagement in the peace process was key in bringing non-signatories into the process and pressuring all actors to advance the process. For example, in the discussions leading to the agreement on the new constitution in 2004, the role of international pressure and South Africa's sustained engagement proved indispensable (Reyntjens, 2006, 121). The South African mediation applied sustained pressure to move the process forward, and regional summits of heads of state firmly endorsed agreements reached, thus leaving little space for manoeuvre by parties critical of these agreements and preventing future re-negotiation (ICG, December 2004, 5–6).

Given all the challenges involved in transitional power sharing, there is an important role for

third parties in urging political leaders to continue talking, to reach agreements on the many outstanding issues and to manage the challenges of spoilers. Unsurprisingly to those familiar with mediation efforts, this is a demanding role that requires coordinated and consistent political engagement at the regional and international levels. It may also be helpful to include specific mechanisms in peace agreements that can trigger the involvement of third parties in the transitional process when the transition is faced with particularly tough obstacles.

From power sharing to wider political participation

Given that transitional governments sometimes stay in power for several years and take decisions with long-term consequences, it is not surprising that opposition groups and the public demand to participate in these decisions. Following the signing of peace agreements, there are high public expectations for a new kind of inclusive and just politics. The public yearns for meaningful political changes, which, however, rarely come from power-sharing governments that tend to be concerned with maintaining the status quo and their grip on power.

Power sharing rewards those who engaged in violence during the conflict and allows them to enter politics in the hope that they will be co-opted by the political system. However, power-sharing governments may freeze wartime realities if they do not evolve to create political space for the expression of multiple interests. During the transition, it is not advisable or possible to hold only narrow, elite-based discussions behind closed doors. It often becomes increasingly difficult to maintain the rationale for narrow political participation until elections are held, because new political actors are empowered and demand that their interests be represented.

To manage these demands, transitional periods need to expand political participation beyond the signatories of agreements to include a wider spectrum of political groups, civil society and the public in discussions on the future of the country. A transitional process should ideally create political space for debate to take place outside the power-sharing government in order to facilitate the emergence of new leaders and the strengthening of civil society. This may gradually weaken the influence of wartime leaders and offer the opportunity for alternative voices to emerge. For these very reasons, however, expanded political participation is resisted by power-sharing elites, and can be very destabilising.

There are many reasons for third parties to encourage the expansion of participation and, when necessary, to pressure the members of power-sharing governments to allow it to take place. This section outlines four key reasons for this encouragement: improving perceived legitimacy of a power-sharing government, representing newly formed opposition groups, enabling the emergence of new leaders, and laying foundations for long-term institutional development.

First, following a peace agreement, the population is impatient for politics to open up and for

public discussions on the future of their country to begin. The wartime leaders participating in government may lack grassroots support and be seen as competing to share the spoils of power rather than moving the country toward reconstruction and reconciliation. Also, because leaders are guaranteed representation in power-sharing governments, they have few incentives to engage their constituencies in discussions on the future of the country. As a result, lack of public participation combined with the squabbles of a stagnating power-sharing government run the risk of disillusioning the population and leading to its disengagement from the peace process.

Burundi's transitional process provides an example of this challenge. The power-sharing government was the result of elite negotiations, and the participants in talks were those who had the capacity to carry out violent acts and did not necessarily command respect or have genuine public following. In the eyes of the public, the transitional government was about elites dividing the spoils of government. Overall, the transitional process was disconnected from the local population: 'elite power-sharing did not strengthen the relationship between leaders and citizenry' (Curtis, 2007, 191).

A similar phenomenon occurred in Nepal's transitional process, where until early 2007 the process focused on building elite consensus at the expense of wide political debate or public consultation. Significantly, there were no institutional structures to channel and process the results of public consultations (ICG, February 2007, i-ii). The committee charged with drafting the interim constitution consisted initially of six men and did not include women, dalits or any minority ethnic members. The committee's enlargement following public criticism did not change its domination by the main political parties and the Maoists (ICG, February 2007, 6). As a result, observers note that the lack of communication and consultation aggravated public frustration (ICG, December 2007, 12).

The second and related argument in favour of expanded political participation is that new political groups get organised in the transitional period, and demand representation, refusing to wait for elections to be held. These opposition groups know that important decisions with long-term implications are being taken in the transitional period and want to have a say in them. Even if power-sharing governments represented the key political and military groups at the beginning of the transition, they may lose popular support to new political organisations. Should the demands of these groups not be heard, due to a closed, non-transparent transitional process, there is an increased risk of violence.

Nepal came close to realising this unfortunate scenario in early 2007, when three weeks of violent protests in the country's south left two dozen people dead. The power-sharing deal between the mainstream political parties and the Maoists was based on the assumption that they represented most Nepalis. However, the protests of early 2007 demonstrated that the mainstream parties and the Maoists were actually not fully representative of society (ICG, December 2007, 3). Demonstrators protested that the new interim constitution did not correct the domination of 'hill' Nepalis, and continued to reinforce age-old patterns of discrimination.

For them, 'the "New Nepal" that politicians had promised looked suspiciously like the old one that was meant to have been consigned to history' (Chalmers, 2007, 161). Ultimately, the interim constitution was amended and the government and the Maoists managed to maintain a working relationship.

The third reason for expanding political participation in the transitional period is because power-sharing arrangements tend to prevent the emergence of new political leaders. As Chalmers writes about Nepal, 'the mainstream parties were relieved that, for all the drama of the April 2006 mass movement, it did not generate any new leaders, nor has it yet forced them to find new ways of conducting politics' (Chalmers, 2007, 167). However, this is detrimental to peace-making and peace-building efforts: when elites with interests in wartime structures retain power, they resist the processes of demilitarising and democratising politics. New political leaders need to emerge gradually, with interests not linked to wartime legacies so that they can deliver different messages and build political constituencies based on different interest structures. Change can rarely be delivered through those who benefit from the status quo.

Finally, a fourth reason for third parties to encourage power-sharing governments to open up the political space is that only such inclusive discussions can pave the way for long-lasting institutions which will accommodate diverse interests in a common state. This issue is discussed in the next section.

Expansion of political participation in the absence of election is an extremely difficult and potentially destabilising undertaking, for two main reasons. The first difficulty is that power-sharing governments are not eager to create avenues for wide political participation, which allows opposition groups to influence decisions. Incorporating new views and interests in the political process disturbs the delicate balance of power negotiated in the peace agreement. The second difficulty is related to the question of who decides, in the absence of elections, what groups are to be included in the transitional political process and through what mechanism.

Some practitioners and academics argue that inclusive political processes should begin only after state institutions have been rebuilt and the rule of law established. Political inclusion in the early stages of the transition, very much like pre-mature elections, can be destabilising. Political parties are newly created and have not yet built strong ties with their constituencies, state institutions are weak and cannot channel popular demands effectively, and the media are not moderate enough to report dispassionately on divisive discussions. Threatened elites eager to protect their positions and interests are tempted to use manipulative rhetoric to stoke fear and insecurity among the people, or to mobilise them against their opponents.

However, this paper argues, political processes gradually expanded beyond those who sign peace agreements can prepare the ground for elections and contribute to lasting state institutions. Lengthy deliberation and gradual expansion of political participation before political competition moves to the ballot box, and before long-term constitutions are adopted, are more likely to lead to accepted electoral results and constitutions.

There is a very important role for third parties in the effort to expand political participation. Third parties need to advocate for wider participation because the members of power-sharing governments often have no interest in such efforts. The National Transitional Government of Liberia (NTGL) inaugurated in October 2003 demonstrates the attitudes of power-sharing elites. One rebel politician summarised the character of the NTGL as follows: 'this is an administration for warring factions. They control the government. People need to accept this reality. Civilians have no role in the cabinet, they are virtually voiceless' (ICG, January 2004, 13). Due to the lack of accountability mechanisms during the transitional period, the members of the NTGL devoted more attention to the division of the spoils of the state than to making and implementing public policies.

In Nepal, also, observers noted in 2007 that 'party leaders have shown little appetite for pluralism: the interim legislature will have no official opposition, royalist parties may be excluded from the Constituent Assembly and new parties will find it hard to register for elections' (ICG, February 2007, i-ii). Also, in Somalia, most of the national reconciliation conferences convened since 1991 focused on hammering out power-sharing agreements for transitional central governments. In some of the conferences the agenda was reduced to the allocation of cabinet positions by clans and factions in typical sharing-the-spoils exercises (Menkhaus, 2007).

It is argued here that it is possible to compensate for the elite character of transitional power sharing by combining it with various forms of wider political participation. The political process can provide for inclusive decision-making mechanisms, such as joint commissions and working groups, mandated to work on various aspects of the transition: electoral laws and constitutional issues, rules governing the vetting of state institutions, the creation of a unified army and police, and the reform of public administration. In Mozambique, for example, negotiation and planning continued after the signing of the Rome Accord. Joint decision-making bodies such as the Supervisory and Monitoring Commission and the Cease-Fire Commission gathered the key political actors and donors in a consultative process chaired by the Special Representative of the Secretary General. Other specialised commissions dealt with reintegration of former combatants, reform of the Mozambican defence forces and preparation for elections.

Political deliberation beyond the members of transitional governments can also take place in non-elected bodies, such as national conferences and constitutional commissions. In Afghanistan, for example, the Interim Government appointed by the Bonn Agreement in 2001 divided power among the most powerful elites with the exception of the Taliban. This government was succeeded by another power-sharing government in 2002, the Transitional

Government, partly selected by a large gathering of hundreds of people, the Loya Jirga. Also, the country's constitution was drafted in the context of a wide public-participation effort. Although marred by intimidation and manipulation, this did provide a corrective to the elite-based, power-sharing formula.

In the absence of elections, what mechanisms should be adopted to identify the participants of national dialogue and other public-participation efforts? How should the extent of inclusion and participation be defined? There are no perfect answers to these questions, and external actors can play an important role in facilitating the discussions on the eligibility criteria and decision-making procedures of consultative mechanisms. Inevitably, public-participation efforts following peace agreements and lengthy civil conflicts will be flawed and at least partially manipulated by elites. Adopting transparent selection and decision-making rules may go some way to increasing the public's influence in the political process. Also, relying on multi-step selection processes, led by credible national leaders and independent commissions, could be beneficial. However, these efforts are unlikely to overcome the inherently contentious nature of expanded political participation, and third parties should remain engaged to assist in managing these challenges.

Transitional periods, institution-building and constitutional negotiations

Constitutional discussions go to the heart of the most divisive issues facing a country: the structure of state institutions and the long-term sharing of power within them, the rights of minorities, and the state's obligations toward the citizens. Experience has shown that lasting and legitimate state institutions tend to result from lengthy deliberation among a wide range of national elites and from meaningful public participation (Kritz, 2003; Samuels, 2006; Brandt, 2004). The constitution-making process, including who has the right to participate and how decisions are taken, influences the content of constitutions, their legitimacy and the politics that follows their adoption.

Experience suggests that decisions on long-term constitutional design should not be rushed and should not be dominated by power-sharing transitional governments. If power sharing is to be enshrined in the long-term constitution of a country, it should result from inclusive and lengthy discussions during the transitional period. Long-term institutional arrangements should not be included in peace agreements. By deciding long-term constitutions, peace agreements miss the opportunity to lengthen the dialogue on constitutional options and to expand political participation beyond those at the peace-negotiating table. The Bosnian example shows the deficiencies of including long-term power-sharing arrangements in peace agreements. Agreements, then, need to define the processes through which political leaders will reach decisions on constitutional arrangements without actually defining the long-term constitutions themselves. Ideally, agreements should also include mechanisms for wide elite consultations and public participation in the transitional and constitutional processes.

There is evidence that constitution-making processes that exclude major constituencies usually lead to contested constitutions. Iraq is a relevant example. Observers have noted that the Iraqi constitutional discussions in the summer of 2005 were damaged by the time limitations imposed by the US and by the insufficient inclusion of Sunni Arabs in the deliberations (Morrow, 2005). In the October 2005 referendum, 78.6% of votes were in favour of the constitution. However, in the predominantly Sunni Arab governorates of Anbar and Salaheddin, 97% and 82% of voters respectively rejected the document. One could argue that the Sunnis would not have accepted the emerging Shia–Kurdish federal deal, even if a more inclusive and longer deliberation had taken place. However, observers note that the Sunni position had evolved to understand federalism as potentially being to their benefit. Morrow argues that, in August 2005, some leading Sunni Arab negotiators were sympathetic to certain models of Iraqi federalism, but could not support it without raising awareness among their constituencies on what these models entailed (Morrow, 2005). A longer process would have allowed political leaders to discuss this with their constituencies, as well as giving time for the Constitutional Commission to promote public awareness and education. However, this opportunity was missed.

Although experience demonstrates that constitutions adopted without extensive elite-level consultations and public participation are unlikely to last, ‘to push for a more inclusive process is to challenge the longstanding structure of the state’ (Chalmers, 2007, 166). Often, ‘a political elite unaccustomed to satisfying public demands will have to learn quickly to be more responsive without just making reflexive concessions that fail to produce an overall improvement in fairness’ (Chalmers, 2007, 166). Observers noted in late 2007 that, in Nepal, ‘no party paid more than lip service to calls for broader public participation in the constitutional process’ (ICG, December 2007, i).

Similarly, in Burundi, real political debate on the future of Burundi and on economic and social issues had not taken place at the end of the constitutional negotiations (ICG, December 2004, 2). The population remained poorly informed about the constitution and the upcoming elections, and debates on power sharing, accompanied by denunciations and bitter disagreements, created a climate of fear (ICG, December 2004, 11). The new constitution was endorsed in a referendum in February 2005 by 92% of the voters, but ‘holding a referendum at the end of the transitional process is not sufficient in terms of engaging the broader population in the peace process’ (Curtis, 2007, 188).

Based on the above, the role of third parties in encouraging consultations with elites outside the power-sharing government and emphasising the importance of public participation is crucial. Of course, these decisions cannot and should not be imposed by external actors. However, there is an important role in advocating for wide participation in constitutional discussion and in mediating between the resistance of power-sharing governments to grant it, and the impatience of excluded groups.

Conclusion

This paper has argued for the continued political engagement of third parties following the signing of peace agreements and during the particularly volatile transitional periods. It has argued that third parties should see transitional power-sharing governments as vehicles for continuing the peace talks and has pointed out that many issues remain unresolved when agreements are signed. It has furthermore argued that it is unrealistic to expect power-sharing transitional governments led by wartime elites to put in place the foundations for stable electoral politics and long-lasting state institutions without consulting with other elites and without at some point including the public. Narrow coalitions will inevitably meet resistance from the wider population and new opposition groups.

For transition to lay the foundations for stability and pluralist political competition, power-sharing elites need to learn to listen to the public as well as to consult with a wider group of political competitors. Transitional processes that provide for the gradual expansion of political participation before competition moves to the ballot box and before long-term constitutions are adopted are more likely to lead to widely accepted electoral results and constitutions.

Given the multiple challenges transitional power-sharing governments face in taking joint decisions, bringing non-signatories into the peace process and managing demands for inclusion from the public and the unarmed opposition, the role of third parties remains indispensable. It has been argued that third parties need to assist power-sharing governments to carry out the tasks entrusted to them, while helping them to manage the increasing demands for political participation from various segments of society before elections are held. This is a challenging agenda for third parties, who often expend considerable financial and political resources to bring about the signing of peace agreements. It is especially demanding given the resistance of power-sharing elites to tolerate continued external intrusion in their affairs. However, in the absence of continued political engagement, it is likely that peace processes will be derailed or fail to achieve their stated objectives.

This paper is part of a series of background papers written for the Oslo forum 2008, which was hosted by the Royal Norwegian Ministry of Foreign Affairs and the Centre for Humanitarian Dialogue.

References

Brandt, Michele, 'UN assistance to constitution-making processes: the cases of East Timor, Cambodia and Afghanistan', UNDP/Bureau for Crisis Prevention and Recovery (BCPR), 2004.

Chalmers, Rhoderick, 'Toward a New Nepal?', *Current History*, April 2007.

Curtis, Devon, 'Transitional governance in Burundi and the Democratic Republic of the Congo' in Karen Guttieri and Jessica Piombo, *Interim Governments; Institutional Bridges to Peace and Democracy?*, United States Institute of Peace Press, Washington, DC, 2007.

International Crisis Group, *Elections in Burundi: the Peace Wager*, Crisis Group Africa Briefing, 9 December 2004.

International Crisis Group, *Rebuilding Liberia: Prospects and Perils*, ICG Africa Report No 75, Freetown, Brussels, 30 January 2004.

International Crisis Group, *Nepal's Constitutional Process*, Asia Report No 128, 26 February 2007.

International Crisis Group, *Nepal: Peace Postponed*, Asia Briefing No 72, 18 December, 2007.

Kritz, Neil, 'Constitution-making process: lessons for Iraq', testimony by Neil Kritz, director of the Rule of Law Program at the U.S. Institute of Peace, before a joint hearing of the Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Property Rights; and the Senate Committee on Foreign Relations, Subcommittee on Near Eastern and South Asian Affairs, 2003. Available at: http://www.usip.org/congress/testimony/2003/0625_kritz.html.

Menkhaus, Ken, 'Mediation efforts in Somalia,' HD Centre Background Paper, African Mediators' Retreat, April 2007.

Morrow, Jonathan, 'Iraq's constitutional process II: an opportunity lost', Special Report 155, United States Institute of Peace, November 2005.

Reyntjens, Filip, 'Briefing: Burundi: a peaceful transition after a decade of war?', African Affairs 105/418, January 2006.

Samuels, Kirsti, *Constitution-Building Processes and Democratization; a Discussion of Twelve Case Studies*, International IDEA, 2006. Available at: <http://www.idea.int/conflict/cbp/>.