

## Themed Section on Partition/Conflict Resolution

# Introduction: partition vs. power-sharing?

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Most ethnic conflicts are about rights over *homelands* and *national* territory. When 'ethnicity is called upon as a contention to substantiate the right and as a basis of identification for rallying politically in order to establish such a right' (Saltman 2002: 3), it becomes automatically an issue of nationalism. While exclusive claims of territory coincide with national sovereignty in terms of domination and denial of security, recognition and effective participation of minority groups, these conflicts at times turn into protracted, long-term, ongoing conflicts that permeate all aspects of society (Azar 1999). They are characterised by the apparently total lack of concern the parties have for each other and by a zero-sum dynamic that renders them impervious to conventional conflict resolution methods. In our view, the management of protracted conflicts should provide a formula for transforming the conflict by enabling coexistence and fostering reconciliation in both divided or shared political frameworks.

In recent years, the experiences of conflict management have raised questions over the preferred methods employed or encouraged by third parties, and by the disputants themselves, to resolve these conflicts. These methods can be divided into power-sharing and partition attempts. While the two are not mutually exclusive they are analytically distinct and involve different logics. Partition is employed in order to create separate sovereign entities where each of the disputing parties could fulfil its religious, ethnic or other agenda. Power-sharing, on the other hand, is an attempt to find a common framework of shared sovereignty without exclusive control of territory. The continued existence of protracted territorial conflicts brings us to re-examine partition and power-sharing methods in this themed section with their wider impact on conflict transformation, continuation or escalation in the globalised world. The relevant questions are not only over the general advantages and disadvantages of each method but also on their application to existing case studies examined contextually and comparatively.

The success of a peace process, therefore, can be measured, first, by its ability to end violence and, second, by its ability to create the institutions and

support structures that would discourage the parties from taking up arms again. The following papers each engage in their own way with an ongoing conflict and examine the resolution methods taken by the conflicting parties themselves and by the involved third parties. All of the case studies to be discussed in this themed section have records of ethnic violence and post-conflict peace process. They all have been experimenting in power-sharing and partition schemes. However, it appears that it would be equally misleading either to search for a key that would immediately remedy the partition problems or to make the power-sharing easily convertible in protracted conflict settings. Most of these case studies do not really fit into the nice models which we have presented as binary oppositions. Nevertheless, perhaps more conceptual clarity over central themes and concepts involved in this discussion – territoriality and sovereignty, protracted conflicts and partition vs. power-sharing – would enable readers to delineate their own reactions to the papers in this themed section.

### **Territoriality, sovereignty and protracted conflicts**

Territoriality can be defined as ‘a form of behaviour that uses territory as an instrument for securing a particular outcome’ (Taylor 1994: 151) or the geographical expression of power that involves material and emotional requirements and the construction of boundaries that ‘give physical substance and symbolic meaning to notions of ‘us’ and ‘them’, ‘ours’ and ‘theirs’ (Penrose 2002: 282). No doubt, territory becomes an important component in the formation of social, spatial and national identities whereas control over territory seems to be a key political motivating force that equalises territoriality with the ‘spatial expression of power’ (Storey 2001: 14). It also explains why the control over a territory is fundamental embodiment in the modern formations of nations and states (Sack 1986).

To be sovereign means to have supreme power within a territorial base and to suffer no interference by parties outside of that space. Delany (2005: 19) even concludes that clearly defined territory may ‘promote certainty and predictability, and therefore peace, security and order, and therefore efficiency and progress’. Territory makes sense as long as there are attempts to strive for new nation-states or to maintain the territorial integrity of the old ones. It is most often manifested in cases where ethnic engineering or national construction works attempt to control portions of space while at the same time receive reaction from those who have counter-claims to that piece of land. It is not surprising when ethnic groups demand sovereignty over disputed territory, given that ‘they have both capability and legitimacy to do that’ (Toft 2003: 12). Concomitantly, states also have property claims over territorial domains whenever precedent-setting effects come into play. This explains why all polities carry the idea of a single governmental jurisdiction

over a single territory and look jealously on joint administration with others (Murphy 2002).

In the past, the recognition of sovereignty depended upon the state having a territorial basis and was usually granted to states that exercised authority over state affairs (see e.g. Kurtulus 2005). These criteria for statehood were laid down in article 1 of the Montevideo Convention on the Rights and Duties of States, 1933. By accepting them as equals they made recognition a pivotal element in the institution of sovereign statehood. Yet, the rules of the game changed over time, giving less attention to factual sovereignty in the period of de-colonisation. Today the right of self-determination, recognised in international law, applies only to overseas colonial territories, and not to disputed ethnic homelands within a larger national territory (Jackson 1999). Current legal doctrine forbids *de jure* recognition of territorial units whose political establishment has been resisted by 'undivided' central authorities. In this reading, norms create the facts which provide a legal condition for statehood and set the motion of conflict management.

Thus, a 'new sovereignty game' (Jackson 1990) fixes the borders and bans territorial change, except by mutual agreement between or among sovereign states. While affirming that states' territories are indivisible, this legal doctrine constantly ignores the fact that ethnic homelands within an internationally recognised state can be indivisible as well. Ethnic groups may be desperate to control their territory and reluctant to recognise the legitimacy of the central authorities especially when communal security issues are at stake. The asymmetry of power relations between the powerful group in control of the territory and weaker group(s) denied recognition and a greater share of power within the same territory creates structural conditions that define the conflict dynamics already in embryo and set limits to the possibilities of resolution.

The clash of interests and ideologies between ethnic groups 'trapped' in one state is the material from which protracted ethnic conflicts are made. When the demands of the weaker group for recognition or equality are perceived to be threatening or illegitimate by the dominant group a protracted conflict can develop. These conflicts are often triggered and sustained by a disputed territory and/or an asymmetrical relation within it where one ethnic group dominates over the other. While territoriality is often central to the evolution of protracted ethnic conflicts, it goes far beyond a single issue, or even a specific territory, that may be resolved by simple solutions. Hence, territory has a traditional 'real-estate' value and it is also deeply embedded in national myths and/or religious connotations, while often bearing the signs of historical struggle over it. As such, protracted conflicts involve the issues of identity and culture, thus making the questions of justice, recognition and forgiveness with the past conditional for a successful resolution.

Resolution of long-term and protracted conflicts requires peace builders to address the underlying structural and cultural roots of the conflict (Lederach 1994: 14) and to transform the mutual relations of conflicting parties thus preventing the situation that created the conflict (Miall, Rambotham and

Woodhouse 1999: 21). What might be obvious in theory, however, could be more difficult in practice when policy-makers who negotiate peace processes have to balance between external and internal considerations. While operating under pressure from their own societies policy-makers may attempt to avoid engagement with the root causes of the conflict, search for 'shortcuts' and defer issues that divide their constituencies (Ben-Porat and Mizrahi 2005). If territoriality and sovereignty are at the core of the protracted conflict, this formula can be based either on an agreed partition of the territory between the disputants or on a political framework that would allow them to share it. This formula of peace – itself an outcome of available resources, existing structures and political decisions – can have important implications for its stability and endurance.

### **Partition and power-sharing**

In the past, partition has been a tool of empires, dividing territories between themselves or devolving authority, granting independence to nations (Bianchini 2005). In the present, partition may be a solution of 'last resort' seen as a meeting point between the needs for self-determination and territorial expression (Waterman 1987). On the one hand, one can claim that territorial division may be an efficient and equitable means of resolving disputes between competing groups – good borders make good neighbours. On the other hand, many of the world's most intractable conflicts involve territorial partitions that have never achieved legitimacy in the eyes of the main parties.

Its most fervent critiques say that partitions do not solve the problems, but produce and multiply them in time and space (Ivekovic 2005); that as a nationalist resolution, the state empties itself of objects, beings and spaces making dialogue no longer possible (Samaddar 2005); and that partition enables the state to validate the process of ethnic cleansing thus forcing minorities either to assimilate or to move (Keane 2002). Bose (2002: 173) goes as far as claiming that partitioning answers to protracted conflicts as 'breath-taking not only for its abject poverty but its sheer, senseless absurdity', thus equating it with dementia.

Partitions that involve population transfers, or objectionable border adjustments, have been criticised on moral grounds, but their utility for conflict resolution and, to a larger extent, transformation, may also be questionable. Rather than transformative they are often a temporary solution where the boundaries remain disputed, causing therefore material and emotional damage to the uprooted populations. Yet, sometimes partition may offer the only available or immediate solution for quickly ending bloody ethnic conflicts. Thus, while there is general international reluctance to support secessionist demands (Sisk 2003) more and more voices call for adopting it in cases of emergency (Kaufmann 1996; see also Mearshimer and Van-Evera 1995). In Kaufmann's frame of analysis, a security dilemma

caused by ethnic violence is not resolvable, and therefore separation of the hostile groups and the establishment of homogeneous political units for each of them become inevitable. The differences may be so profound that 'all attempts to reintegrate the groups in a single state are bound to fail' (Buchanan 1998: 23).

In contrast to partitions, power-sharing agreements are based on a political restructuring of existing entities and an attempt to change the zero-sum nature of the conflict. They are designed to balance principles of democracy with the need for conflict management in ethnically divided societies (Sisk 2003: 139). Arend Lijphart's (1969) model of consociationalism sought to address the tensions of plural societies by resource distribution and decision-making processes that were to transcend the 'winner takes all' formula of regular democracies. Specifically, the model offered a set of non-majoritarian devices for diffusing and sharing power within a given territory (Sisk 1996). Ideally, this model could both enable ethnic groups to maintain their identity and keep them committed to the existence and performance of the state.

Autonomy is also an important prescriptive device for consociationalists as it recognises substantial sovereignty for rebellious regions while keeping the state as an overarching entity. Federalism and consociational democracy share common features and may enforce each other but in principle power-sharing does not have to include federal structures and vice versa (Schneckenner 2002). Federal autonomy extends beyond consociationalism towards partition and, similarly, there are reasons to doubt whether federalisation is really the 'ideal geographical solution' to the coexistence problems of ethnic communities. These doubts can be justified since federal arrangements can be difficult to achieve and even more difficult to put into practice, especially where geography and demography are complex.

Critics of consociationalism argue that it gives power to ethnic (by which they mean ethnocentric) elites who have an interest in maintaining division instead of crossing ethnic lines (see e.g. O'Flynn and Russell 2005; Schneckenner 2002). This critique can be extended to other models of power-sharing that recognise some collective identities but often exclude others and, therefore, breed new frustrations and demands. It is also frequently argued that power-sharing institutions entrench divisions, making them permanent, and privilege regressive identities based on ethnicity over more progressive, cross-cutting identities, such as class or gender. Moreover, the recognition of identities tends to institutionally entrench cleavages and carries genuine risks of freezing what are multiple and shifting identities and validating an exclusive and fragmented politics that leaves little space for the development of a wider solidarity.

The general point shared by all these perspectives is that consociationalism (or, for that matter all models of power-sharing based on fixed ethnic identities) creates barriers to normal politics and stands in the way of an integrated civic nation. Rather than focus on political elites in divided societies, it suggests focusing on liberal, individual rights or on civil society

organisations prepared to transform society from the bottom up. More importantly, models of integrative power-sharing encourage coalitions that cross ethnic lines and argue that institutions and practices that encourage intra-group rather than inter-group competition are more likely to reduce violent ethnic conflict (Horowitz 1985; Sisk 1996). Cross-community relations, according to this approach, will be enhanced by providing incentives to politicians to appeal beyond their community for support and rewarding moderation. In practice integrative power-sharing aims at ethnically diverse decision-making bodies, an inclusive state that ensures non-discrimination and, when necessary, mixed or non-ethnic federative structures (Sisk 2003).

The two approaches of power-sharing share the desire to keep the state unified and avoid partition, but compromises over autonomy fudge the thorny issue of sovereignty by allowing a lower level of self-determination but retaining intact the boundaries of the state (Ghai 2003: 187). Power-sharing arrangements carry the risk, on the one hand, of falling short of the desires for independence or, on the other hand, to stimulate these demands by accentuating identities and territoriality. Integrative power-sharing solutions have the advantage of promoting conflict transformation rather than management but are difficult to implement in war-torn societies. It remains to be studied, therefore, under what conditions power-sharing arrangements can provide a solution for protracted ethnic conflicts and when partition is all but inevitable.

### **Weighing the tools for peace**

Territoriality bears directly on the nature and dynamics of protracted conflicts, where disputants make exclusive claims for sovereignty and control of a specific territory. These claims are often embedded in the history of the protracted conflicts and involve distrust of the other party. As described above, power-sharing and partition are two paths for conflict resolution, based on different rationales that prescribe a different future but are not necessarily *a-la-carte* choices available for leaders of the rival parties. Rather, the choice is shaped by histories, political economy, third parties and other factors beyond the leaders' control. Explaining the success or failure of peace processes, therefore, must account for the context in which they developed and related advantages or disadvantages. The questions drawn from this debate are, first, what are the advantages and disadvantages of partition and power-sharing? Second, how do conflicting parties and involved third parties choose the path towards peace? And, third, based on the experience of specific case studies, what are the alternatives to the classical partition and power-sharing options?

The oscillation between attempted hegemony and accommodation are evident in the Northern Ireland case presented by James Anderson. The lessons from the Northern Ireland conflict and peace process, he argues,

demonstrate that *non*-territorial strategies are essential for self-sustaining resolution and an 'ethnic peace'. Conversely, partitions, in Northern Ireland and elsewhere, have a tendency to become permanent and to exacerbate the very problems they were supposed to solve. The same is also true of some internal consociational power-sharing arrangements and alternative social integration policies. However, it is argued in this paper that transnational democracy and a crossing and blurring both of territorial borders and of ethnic boundaries offers the best possibilities for conflict resolution, as distinct from the mere containment, regulation or management of conflict.

The Basque Country provides another example of the partition/power-sharing debate. Jan Mansvelt Beck argues that the ethnic map of the greater Basque Country does not display the internal homogeneity that could make partition feasible. Also, within the context of state-led European integration, partition remains the utopia of Basque nationalism. In addition, Basque nationalism shows an inherent disagreement over territorial claims, a lack of transparency of procedures of self-determination and a controversy over the contents of Basqueness, which makes partition practically impossible. But consociationalism in the Basque context characterised by long-lasting collective violence has also failed. Power-sharing attempts, in their more traditional Lijphartian form, have suffered from a high degree of ethnic hybridity, social inequality, territorial mixture, a lack of overarching loyalty, lack of cross-cutting cleavages, lack of dominant elites that could play a constructive role in sustaining the power-sharing arrangements and the inability to involve all parties in the peace process.

Debates on the Annan Plan (Referendum on 24 April 2004) have dominated the political agenda of both communities of Cyprus and led to the manifestation of divergent views on such issues as sovereignty, territoriality, identity and power-sharing. Yücel Vural and Nicos Peristianis identify in their paper three main grassroots political tendencies in Cypriot politics which seem to alter the conventional dividing lines both at intracommunal and intercommunal levels. Although major political forces in both communities usually expressed their loyalty to a federal solution, the method of achieving these objectives and the detailed arrangements on territorial adjustment, the constitutional system, property rights and power-sharing suggested by the Annan Plan led to the emergence of divergent views. As a result of this restructuring process, the major parties and civil society organisations in both communities have developed novel political orientations leading to vacillations in their original perspectives on the various aspects of the Cyprus dispute.

### **Is there a 'third way'?**

On a continuum, multi-ethnic democracies can resolve differences through processes of integration, consociational arrangements, federal autonomy

or, when all else fails, partition. In spite of the limits of traditional power-sharing the rethinking of national-territorial sovereignty associated with globalisation may suggest new modes of 'de-territorialisation' of the conflict, stripping away its territorial base and enabling its transformation. In particular, the development of regional and transnational entities can provide new non-territorial political frameworks with fresh opportunities for minority groups, for participation and the assertion of identity. Additionally, technological, economic and political developments create new possibilities for the practice of governance, citizenship, democracy, individual and communal rights.

These new opportunities suggest that the either/or choice between models can be extended. Namely, Anderson finds that cross-border institutions and co-operation will only resolve ethnic conflict to the extent that they foster trans-ethnic and trans-border interest groups or political communities, and *non-territorial* participatory democracy. To achieve self-sustaining resolution of ethnic conflict, it is important to encourage other struggles and conflicts, rather than accepting or attacking ethno-nationalisms in their own terms.

In the Basque Country, negotiated power-sharing may include innovative territorial dimensions. New forms of co-operation, in particular in the field of language, could underscore new arrangements. Relearning democratic pluralism and recognition of ethnic hybridity, argues Mansvelt Beck, may contribute to sustainable conflict institutionalisation in this politically and geographically fragmented society. This is also true of the Annan Plan which initiated a process to restructure the rules of the political game, thus challenging the dialectic between contesting discourses of territorial partition and power-sharing.

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