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Second SIS Guest Scholar Lecture

Negotiating conflict in deeply divided societies.
The merits of *complex* and *hybrid* consociational
power sharing systems based on the case studies from
South Asia and Eastern Europe.

PhD Research Project

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Outline:

## I.1.	Definitions , Assumptions and Terminology

Negotiation is a *social process* in which *two or more parties* interact in the search for an *acceptable position* with regard to their *differences* and concerning the same issue of conflict (Pfetsch 2010)

Conflict a situation in which two or more actors, [who interact with each other], pursue incompatible, yet from their individual perspectives entirely just, goals (Pfetsch 2010)

Ethnic conflict is a form of group conflict in which at least one of the parties involved interprets the conflict, its causes, and potential remedies along an actually existing or perceived discriminating ethnic divide (Wolff 2009)

Deeply divided society - a situation in which a society is ethnically diverse *and* where ethnicity is a *politically salient* cleavage around which interests are organized for political purposes, such as elections (Wolf 2010)

Ethnic group and ethnic identity – "ethnicity"   is an umbrella concept that "easily embraces groups differentiated by color, language, and religion; it covers 'tribes,' 'races,' 'nationalities,' and castes" (Horowitz 2000)
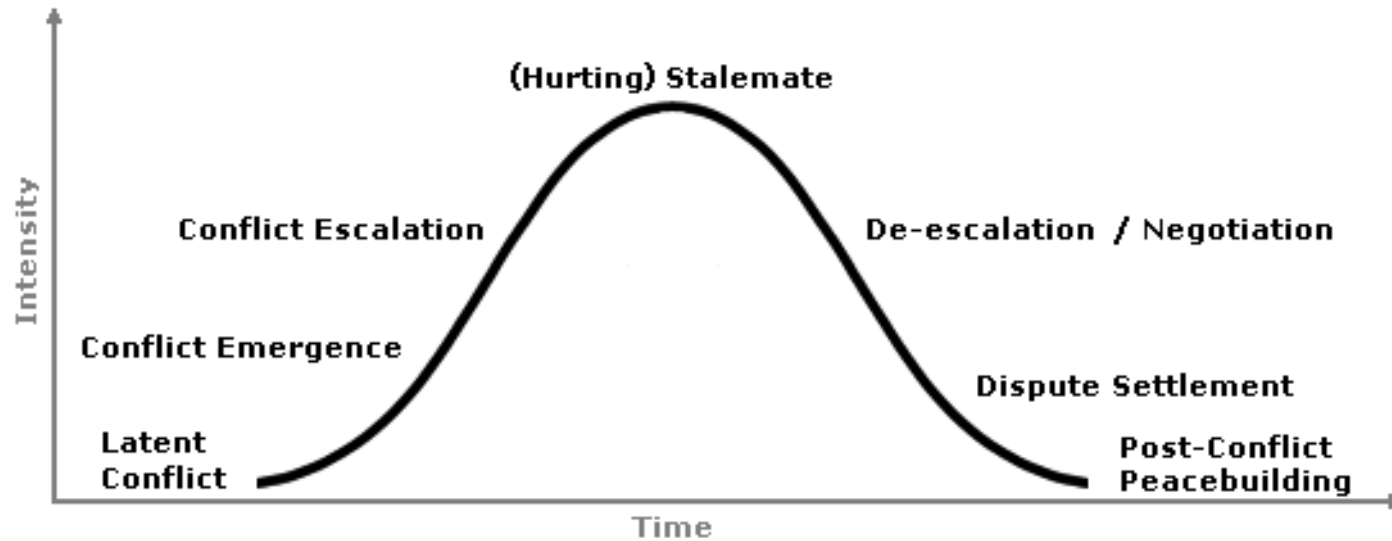
I.2 Research Questions and Case Studies

Case studies of the research project: India, Bosnia-Herzegovina, Macedonia, Serbia (including Kosovo and Vojvodina) and Moldova

II.   Negotiation

II.1   Conflict Stages

II.   Negotiation

II.1   Conflict Stages

stage of conflict	strategic responses	examples of tactical response, (skills and processes)
Polarization / Escalation	elite peacemaking	Special envoys and official mediation, negotiation, coercive diplomacy, preventive peacekeeping
Dispute settlement (resolution)	elite peacemaking	electoral and constitutional reform, power sharing and de-centralization of power, problem-solving

Ramsbotham, Woodhouse and Miall 2005: 14.

II.2 'Principled' Negotiation (Fisher and Ury 1999: 11)

People: Separate the people from the problem

Interests: Focus on interests, not positions

Options: Generate a variety of possibilities before deciding what to do

Criteria: Insist that the result be based on some objective standard

II.2 'Principled' Negotiation - Focus on interests, not positions

Positions	Suspicions	Interests
a distinct nationality	Fear of losing identity. Fear of subordination	Protect specific identity. Self-rule.
homeland and its territorial integrity, religious places	Fear of subordination to majoritarian dominance. Right of self-determination. Fear of violation of rights, fear of discrimination	Security of the population. Protection of specific culture. Equal rights, equal opportunities. Participation in decision-making. A sense of belonging.
		Power sharing

II.2   'Communicative' Negotiation (Liyanage 2006)

Strategic Negotiation			Communicative Negotiation
Positional Negotiation		Principled Negotiation	("Luke Cold Hand" Approach) also Culture (Cohen, Faure, Zartman)
Hard	Soft		
Participants are adversaries The *goal* is victory over adversary	*Participants* are friends The *goal* is agreement	*Participants* are problem-solvers The *goal* is a wise outcome reached efficiently and amicably	*Participants* are communicators The *goal* is understanding and respect
Demand *concessions* as a condition of the relationship Be hard on *the problem and the people* *Distrust* others	Make *concessions* to cultivate relationship Be soft on *the problem and the people* *Trust* others	*Separate* the people from the problem	Solving problem through people's communication
Dig into our *position* Make *threats*	Change your *position* Make *offers*	Be soft *on the people* and hard on *the problem* Proceed independent of trust	Be respectful *for people* and treat position criticisable Proceed with respect
Mislead as to your bottom line Demand *one-sided gains* as price of agreement	*Disclose* yours bottom line Accept *one-sided losses* to reach agreement	Focus on *interest* not positions Explore *interests* *Avoid* having a bottom line	Focus on mutual respect Recognize differences
Search for *single answer:* the one you will accept	Search for the *single answer:* the one they will accept	Invent options for *mutual gain*	Accept criticizability of positions Invent options that ensure mutual respect
Insist on *your position*	Insist on *agreement*	Develop *multiple option* to choose from; decide later	Develop and promote mutual respect
Try to *win* a contest of will	Try to *avoid* contest of will	Insist of using *objective criteria*	
Yield to pressure	*Apply* pressure	Try to reach a result based on *standards* independent will *Reason* and be open to reason; yield to principle, not pressure	

III.   Power Sharing
III.1   Consociational power sharing model

- elite cooperation

- an empirical model

- a normative model

Four broad principles:

- grand coalition cabinets
- proportional representation
- minority/mutual veto powers
- segmental autonomy

III. Power Sharing
Conditions favouring power sharing

Structure-oriented conditions	Actor-oriented conditions
1. No majority segment	8. Dominant elite
2. Segments of equal size	9. External pressure
3. Small number of segments	10. Traditions of accommodation
4. Small population size	11. Absence of special rights claim
5. Socio-economic equality	
6. Overarching Loyalty	
7. Geographical concentration of segments	

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A Composite Model for Conflict-Regulation in Plural Societies
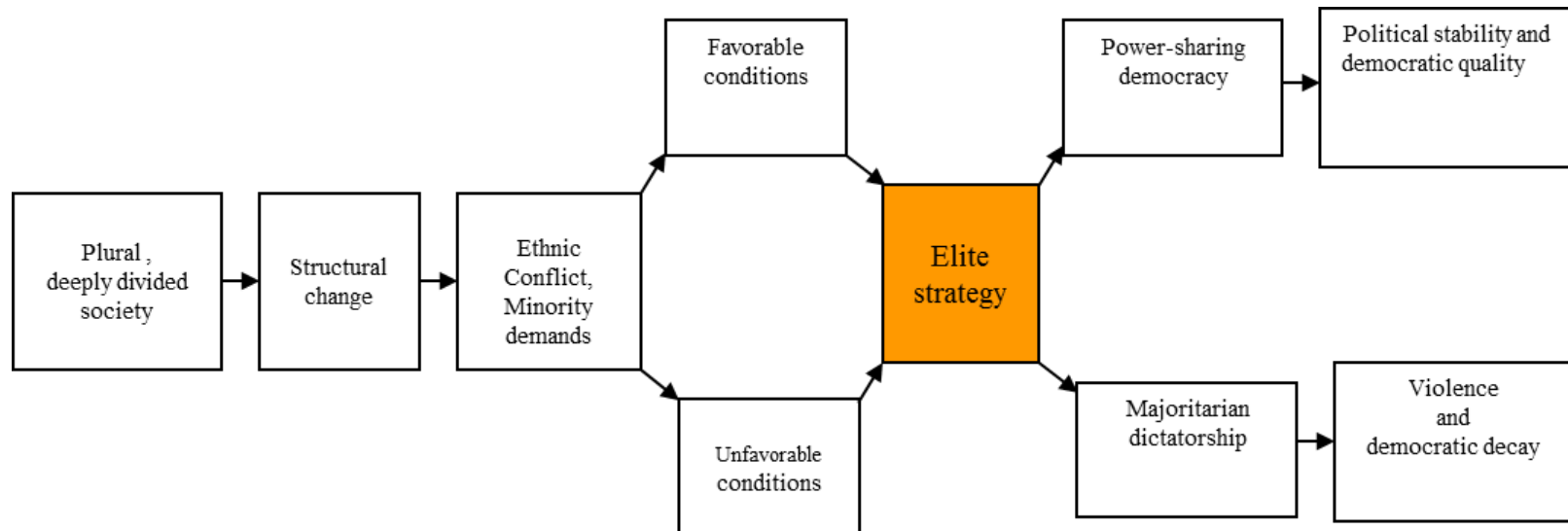
This is a composite model based on my findings as well as on the neo-institutional model of democratic change (Mitra 1999, 2005), weak/strong state vs. accommodating/unaccommodating elite framework in solving self-determination movements (Kohli, 1997), and the schematic presentation of principal propositions of consociational theory (Lijphart 1985).

IV. Instances of Complex and *Hybrid* Power Sharing Arrangements
IV.1 India

1. Segmental Autonomy as Symmetrical and Asymmetrical Federalism

  - *Segmental autonomy* as *symmetrical* federalism

- States Reorganisation Act of 1956 - Seventh Amendment Act
  - devolution of a generous share of power upon largely homogenous federal units promises a dramatic reduction **in** conflict at the center (Horowitz 2000)

- Article 3
  - enabled the State to react more flexible to the separatist demands, and provided incentives for the self-determination movements to struggle for a "homeland" within the Indian Union

- Official Languages (Amendment) Act of 1967
  - English would be retained as link-language "as long as even a single non-Hindi-speaking" state desire (Brass)

IV. Instances of Complex and *Hybrid* Power Sharing Arrangements
IV.1 India

1. Segmental Autonomy as Symmetrical and Asymmetrical Federalism

- *Segmental autonomy* as *asymmetrical* federalism

    - Article 370 and 371

    - Article 30

    - Eighth Schedule

    - Articles 25 and 26

    - Article 15

IV. Instances of Complex and *Hybrid* Power Sharing Arrangements
IV.1 India

2. Proportional Representation as Reservations

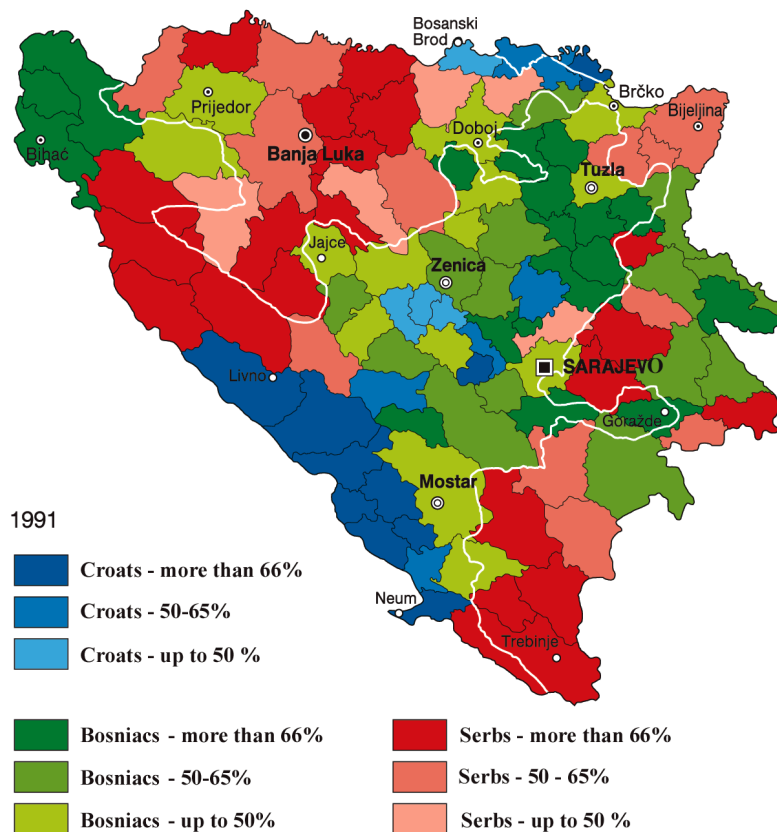*Representation of the SCs, STs and OBCs in Central Government Cervices*

1st of Jan	Group A			Group B			Group C			Group D			Total		
	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC
1965	1.64	0.27		2.82	0.34		8.88	1.14		17.75	3.39		13.17	2.25	
1970	2.36	0.40		3.84	0.37		9.27	1.47		18.09	3.59		13.09	2.4	
1975	3.43	0.62		4.98	0.59		10.71	2.27		18.64	3.99		13.84	2.94	
1980	4.95	1 .06		8.54	1.29		13.44	3.16		19.46	5.38		15.67	3.99	
1985	7.3	1 .73		10.03	1.57		14.87	4.2		20.8	5.70		16.83	4.66	
1990	8.64	2.58		1 1.29	2.39		15.19	4.83		21 .48	6.73		16.97	5.33	
1995	10.15	2.89		12.67	2.68		16.15	5.69		21 .26	6.48		17.43	5.78	
2001	11.42	3.58		12.82	3.70		16.25	6.46		17.89	6.81		16.41	6.36	
2002	11.09	3.97		14.08	4.18		16.12	5.93		20.07	7.13		16.98	6.1 1	
2003	11.93	4.18		14.32	4.32		16.29	6.54		17.98	6.96		16.52	6.46	
2004	12.20	4.10	3.9	14.50	4.60	2.30	16.90	6.70	5.20	18.40	6.70	3.30	17.05	6.54	3.65

IV.2 Bosnia and Herzegovina

Bosnia and Herzegovina under the Dayton Peace Agreement and the front lines at the end of 1995

Ethnic composition before the war in BiH (1991)

Bosniac-Croat Federation (F)
Republika Srpska (RS)

—— Inter Entity Boundary Line (IEBL)

- 🟥 Serb
- 🟩 Bosniac } controlled territory
- 🟦 Croat

1991

- 🟦 Croats - more than 66%
- 🟦 Croats - 50-65%
- 🟦 Croats - up to 50 %

- 🟩 Bosniacs - more than 66%
- 🟩 Bosniacs - 50-65%
- 🟩 Bosniacs - up to 50%

- 🟥 Serbs - more than 66%
- 🟥 Serbs - 50 - 65%
- 🟥 Serbs - up to 50 %

IV.3. Complex Power Sharing Systems – an overview

	Parliamentary representation	Veto rights	Proportionality in administration	Segmental autonomy	International involvement
Bosnia-Herzegovina	PR electoral system; Bi-cameralism; House of People (15 Member): reserved seats (5 for each entity, i.e. Bosniacs, Serbs and Croats)	Yes. "vital national interest of constituent people", (1/3 from each entity, ½ in HoP) mediation procedure, constitutional court	Generally reflect the ethnic structure	Symmetrical federalism: Two entities (Federation of Bosnia and Herzegovina and Republika Srpska), one district	Direct intervention by international community as a mechanism to coordinate law and policy-making; judicial review and arbitration
Macedonia	PR, no reserved seats. Committee for relations between communities (7 Macedonians and Albanians, one Turk, Vlach, Bulgarian, Serb)	Yes. Decisions on language, symbols, culture, local administration (majority of non-dominant communities)	Reflect the ethnic structure	Asymmetrical federalism: Local self-government	Arbitration, Joint committees and implementation bodies (including ad hoc bodies sponsored by international organizations)
Gagauzia (Moldova)	Two Round Voting System	Yes. In case Moldova decides to join Romania, Gagauzia has the option to opt out of Moldova	Reflect the ethnic structure	Asymmetrical federalism: Autonomy	No extensive international involvement, conflict solved bilaterally
Moldova (Transnistria)	Unicameral Parliament, FPTP Electoral System	Since 1992 a separate, de jure unrecognized, de facto independent state within Moldova, with its own parliament, government, military, police, postal system and currency.			Extensive involvement through the Russian 14th Army, acting as a peace keeping force and CSCE Missions

VI. Aims and Research Questions

- Little systematic comparative work on consociational power sharing systems
- Understudy of India's case as consociational power sharing system
- Unsatisfactory exploration of the relatively new practice of complex power sharing

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- how, when and why power sharing arrangements come into being, succeed or fail their purpose based on the presence or absence of the four basic points contained in *principled negotiation* approach.

- success, perceived as stability, resilience, efficacy and legitimacy of institutional arrangements as well as institutionalization of the state *per se* is achieved by a process of *hybridization* of indigenous traditions/legacies with imported/ imposed policies/concepts implemented in the design of power sharing systems.

H1: Hybrid consociational power sharing systems have a higher probability of being stable, legitimate, robust and resilient.

Thank you for Your attention and pointed questions!

"Cheshire puss," Alice began, "can you tell me which way I aught to go from here?"
"That depends on where you want to get to," said the Cat.

Alice's Adventures in Wonderland

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