

# POWER-SHARING: LESSONS FROM SOUTH AFRICA AND RWANDA

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## ABSTRACT

*On 27 April 1994, Nelson Mandela was elected President in South Africa's first fully enfranchised elections, ending the country's era of apartheid. In Rwanda earlier that same month Hutu Power began its mass genocide of up to one million Tutsis and tens of thousands of Hutu moderates. Mahmood Mamdani reflected that "if some seer had told us in the late 1980's that there would be a genocide in one of these two countries [South Africa or Rwanda], I wonder how many among us would have managed to identify correctly its location." This article reviews the practice of power-sharing institutions in mitigating conflict in divided societies. It uses the case studies of South African and Rwanda to illustrate the factors of power-sharing that led to a relatively smooth transition of South Africa from apartheid to a unitary democratic state and why 1,500 miles north in Rwanda the Arusha Peace Accords ended in genocide. Lastly, it concludes with the policy lessons that can be applied to current debates and efforts to mitigate conflicts in other divided societies.*

Keywords: power-sharing; consociationalism; constitutional design; Rwanda; South Africa

## INTRODUCTION: THE BEST AND WORST OF POWER-SHARING IN AFRICA

On 27 April 1994, Nelson Mandela was elected President in South Africa's first fully enfranchised elections, ending the country's era of apartheid. In Rwanda earlier that same month, Hutu Power began its mass genocide of between 500,000 and one million Tutsis, as well as tens of thousands of Hutu moderates, with unprecedented speed and brutality.<sup>1</sup> As Mahmood Mamdani stated, "if some seer had told us in the late 1980's that there would be a genocide in one of these two countries [South Africa or Rwanda], I wonder how many among us would have managed to identify correctly its location."<sup>2</sup> This statement prompts the question of what led to South Africa's relatively smooth transition from apartheid to a unitary democratic state, whilst 1,500 miles north in Rwanda the Arusha Peace Accords ended in an ethnic blood bath. Although numerous factors influenced the vastly different outcomes in these countries' transitions to democratic states, both

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<sup>1</sup> M. Mamdani, *When Victims Become Killers* (Princeton: Princeton University Press, 2001), p. 5, and BBC News, "Rwanda: How the Genocide Happened," BBC, available online: <http://news.bbc.co.uk/1/hi/world/africa/1288230.stm> (accessed 25 January 2007).

<sup>2</sup> Mamdani, p. 185.

South Africa and Rwanda were confronted with the same challenge: “Crafting representative public institutions on a social foundation of deep-seated ethnic rivalries and economic inequalities.”<sup>3</sup> Engineering institutions to ensure state stability and mitigate conflict in the divided societies of South Africa and Rwanda will be the focus of this article, specifically power-sharing practices governing divided societies.

A divided society is composed of groups “formed along ethnic, racial, religious, regional, or class lines.”<sup>4</sup> The nature of a state’s transition to democracy is therefore determined by its institutional ability to mitigate conflict. Timothy Sisk defines the “successful regulation of conflict in a multiethnic society [as occurring] when the predominant pattern of inter-group dispute resolution is based on bargaining and reciprocity; unsuccessful regulation is evident when conflict degenerates into violence.”<sup>5</sup>

Why was the use of power-sharing so successful in mitigating conflict and stabilizing the South Africa into a democracy? Why did these same concepts fail in the case of Rwanda? In answering these questions this paper argues that the South African transition to democracy presented the necessary and favourable conditions for a power-sharing agreement to thrive, specifically strong moderate leadership and the motivation to accommodate. It is also contended that the consociational design of the 1993 Interim Constitution Pact stabilized the state and prevented conflict. In the case of Rwanda, it is argued that the Rwandan power-sharing peace settlement – the Arusha Peace Accords – failed to mitigate violence because it lacked such necessary factors as committed leadership, a shared destiny and the will to accommodate. The Accords themselves led to the zero-sum scenario that South Africa avoided, thus contributing to conflict rather than mitigating it.

The article begins with a brief review of the chosen case studies and the reasoning behind the focus on their power-sharing institutions. The second section reviews the scholarly literature and debates regarding power-sharing and Arend Lijphart’s consociational approach. This is followed by a section illustrating the conditions and limits of power-sharing and the consociational concept. Power-sharing is then examined within the case studies of South Africa and Rwanda. The final section concludes with an analysis of policy lessons that can be applied to current debates and efforts to mitigate conflicts in other divided societies in Africa.

## CASE STUDIES: RWANDA AND SOUTH AFRICA

South Africa has been deemed the miracle transition and a possible model from which other divided societies can learn. Rwanda, on the other hand, represented the opposite extreme: a tragedy we must learn to prevent.<sup>6</sup> It is specifically these extreme outcomes, coinciding within weeks of each other, which make these two countries such intriguing and significant comparisons.

Rwanda and South Africa have historical similarities. Both sub-Saharan states were former European colonies, a contributing factor to their analogous divisions of rule and socio-economic conditions. Both have a history of oppressive rule along with various forms of violence and economic hardship. Rwanda and South Africa are both examples of states in which a dominant minor-

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<sup>3</sup> M. Chenge, “Between Africa’s Extremes,” in *The Global Resurgence of Democracy*, ed. L. Diamond and M.F. Plattner (Baltimore: The Johns Hopkins University Press, 1996), p. 350.

<sup>4</sup> D. Rothchild, *Managing Ethnic Conflict in Africa* (Washington, DC: Brookings Institute Press) p. 3.

<sup>5</sup> T. D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington, DC: United States Institute of Peace Press, 1996), p. 4.

<sup>6</sup> The idea to use South Africa as a model for cases of divided societies was based upon Jung, Lust-Okar, and Shapiro’s essay “Problems and Prospects for Democratic Settlements: South Africa as a Model for the Middle East and Northern Ireland?” Rwanda as an opposite extreme is influenced by Michael Chenge’s chapter “Between Africa’s Extremes” in Larry Diamond and Marc F. Plattner’s book, *The Global Resurgence of Democracy*.

ity “can wield power to the exclusion of a significant majority.”<sup>7</sup> South Africa saw revolts in its townships and a provincial civil war during the 1980s. Similarly, Rwanda experienced violence in 1959, a coup in 1973 and a civil war in 1990.

The demographic and economic structures of the two countries are also comparable. The Belgium feudal system based on cattle holding deemed the minority Tutsi the dominant race, despite comprising only 14% of the Rwandan population. The Hutu majority (85%) were mainly farmers with the remaining 1% being Twa (pygmies).<sup>8</sup> In South Africa the Whites, composing 14% of the population, were the original ruling class with a concentration of wealth and political power. Consequently, even though there were four main categories of race in South Africa (White, Coloured, Indian and Black African) the divisions in society were primarily between the privileged Whites and all non-Whites, who were considered Black.<sup>9</sup>

In the cases of both South Africa and Rwanda, the state represented the prize. In the case of ethnic rivalries, a critical predictor of severe ethnic conflicts is the ownership of the state or specifically the relationship between the ethnic group and the state. When the group that owns the state controls the land, the resources and the distribution, the state becomes the prize.<sup>10</sup> The question surrounding institutions engineered with power-sharing concepts is whether they can actually encourage groups to accommodate each other, or will there always be a zero-sum game?

## MITIGATING CONFLICT: WHY INSTITUTIONS?

In *The Deadly Ethnic Riot*, Donald Horowitz reveals the unpleasant truth that ethnic violence took more lives in the 20<sup>th</sup> century than anything else. There are many questions surround the issues of ethnic violence and civil war, but the focus invariably comes back to problem of prevention. Many academics contend that institutional design is critical in preventing and resolving conflict. As Philippe Van Parijs observes, there exist many more severely divided societies, such as the United States or the Netherlands, but “constitutional design (whether deliberate or not) can be so successful in some societies that one loses sight of the fact that they are just as severely divided as others in which conflicts rages.”<sup>11</sup>

Although there were numerous factors that contributed to the Rwandan genocide and the ending of apartheid in South Africa, this paper will focus on institutions for two reasons. First, all the necessary topics cannot be covered in the span of this article. Secondly, whilst we cannot control for factors such as the shooting down of Rwandan President Habyarimana’s airplane in 1994, we can evaluate and learn from institutional structures created to stabilize states.

## POWER-SHARING AND CONSOCIATIONALISM

### *Concepts*

For divided societies, Lijphart contends that “majority rule is not only undemocratic but also dangerous.” Although majoritarian rule is often a product of the democratic process, the resulting majoritarian institutions can lead to minorities being continually excluded from power and dis-

<sup>7</sup> The typology is based on the structure of ethnic cleavages and power relationships of multiethnic societies. It comes from A. Rabushka and K. A. Shelpse’s book *Politics in Plural Societies: A Theory of Democratic Instability* (1972), but is cited from T. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts*, pp.15-16.

<sup>8</sup> For more information on the ethnic classification see “The Meaning of ‘Hutu,’ ‘Tutsi,’ and ‘Twa’” under History in A. Des Forges *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999).

<sup>9</sup> D. Horowitz, *A Democratic South Africa: Constitutional Engineering in a Divided Society* (Berkeley: University of California Press, 1991), p. 25.

<sup>10</sup> P. Brass quoted in Sisk (1996), pp.17-18.

<sup>11</sup> P. Van Parijs, “Power-Sharing versus Border Crossing in Ethnically Divided Societies,” in *Designing Democratic Institution*, ed. Ian Shapiro and Stephen Macedo, (New York: New York University Press, 2000), p. 300.

criminated against. This can be risky as minorities may lose allegiance to the regime, resulting in civil strife.<sup>12</sup> An alternative is power-sharing, and a possible approach to power-sharing would be consociationalism.

Timothy Sisk defines power-sharing “as a set of principles that, when carried out through practices and institutions, provide every significant identity group or segment in a society representation and decision-making abilities on common issues and a degree of autonomy over issues of importance to the group.”<sup>13</sup> The overarching idea is that by sharing power – political, economic, territorial and military – among different segments of society, a system of accommodation develops that will reduce insecurities and thus reduce the likelihood of conflict.

Power-sharing is often promoted by the international community and involves a broad assortment of practices. As with most theories, many scholars disagree on the best approaches. In the power-sharing approach most experts agree that executive power-sharing and group autonomy are key factors affecting democratic success in divided societies. Lijphart, who has written extensively on power-sharing, proposes two more characteristics: the mutual veto and proportionality.<sup>14</sup> He maintains that this consociational model “is not only the optimal form of democracy for deeply divided societies but also, for the most deeply divided countries, the only feasible solution.”<sup>15</sup>

The four elements of Lijphart’s consociational power-sharing model are as follows. First, governance by a grand coalition of elites is meant to include political leaders – pillars, if you will – of the significant segments within the divided society. Lijphart considers this the most important element.<sup>16</sup> This requires elites to negotiate in the interest of the state, recognising the dangers of non-cooperation such as civil war. “The key to the grand coalition is not the particular institutional arrangement but that *the participation* of all the leaders takes place.”<sup>17</sup>

The second component, the mutual veto, reduces the power of the majority by allowing any minority group to block a policy change. This is paired with the grand coalition to add greater security and ease concerns that the minority may have about policy-making.

A third element is proportional representation. This extends across the electoral system, the military and security forces and economic to financial distribution. The benefit of proportionality vis-à-vis majoritarian democracy is that the latter is a winner-takes-all game in which minority participants have no incentive to play. In a divided society a proportional system allows for a more inclusive, positive-sum result.

Last and no less important, the segmental autonomy component allows groups to run their own internal affairs, such as education and culture. This can come in various forms such as federalism or decentralization.

### *Opponents*

The consociational approach to power-sharing has been criticised as undemocratic and accused of promoting ethnic conflict. Leading the undemocratic cry are Courtney Jung and Ian Shapiro. They argue that a healthy democracy requires opposition, and power-sharing arrangements simply do not allow for this. Furthermore “consociational systems undermine the functional, legitimacy-generating and public-interest roles of opposition.”<sup>18</sup> Opposition institutions are needed to

<sup>12</sup> A. Lijphart, *Patterns of Democracy* (New Haven: Yale University Press, 1999), pp. 32-33.

<sup>13</sup> Sisk (1996), p. 5.

<sup>14</sup> A. Lijphart, “The Wave of Power-Sharing Democracy,” in *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, ed. Andrew Reynolds (Oxford: Oxford University Press, 2002), p. 39.

<sup>15</sup> *Ibid.*, p. 37.

<sup>16</sup> A. Lijphart, *Democracy in Plural Societies; A Comparative Exploration* (New Haven: Yale University, 1977), p. 25.

<sup>17</sup> *Ibid.*, 31.

<sup>18</sup> C. Jung and I. Shapiro, “South Africa’s Negotiate Transition: Democracy, Opposition, and the New Constitutional Order,” *Politics and Society* vol. 23, no. 3 (1995): p. 273.

encourage healthy debate and competition among elites, for the legitimacy of a political order. Democracy also requires the peaceful transition of power.

In his comprehensive overview of consociational democracy, Rudy B. Andeweg also finds concerns among academics on the “quality of democracy” in consociational models, specifically that the “absence of oppositions, a predominance of elites, and mass political apathy do not suggest democratic vitality.”<sup>19</sup> Another critic of the democratic quality of the model, Horowitz, further objects that a consociational democracy doesn’t have the ability to mitigate conflict. Horowitz is an advocate of the “incentives approach... [making] political border-crossing between ethnic groups possible.” He argues that consociationalism does not generate electoral support for ethnic compromise, and is thus unable to mitigate conflict.<sup>20</sup>

Donald Rothchild and Philip G. Roeder agree with Jung and Shapiro with respect to the undemocratic nature of consociationalism; specifically that sharing power among the elites limits democracy to two main elements, competition and accountability. The rest of their criticisms are more extensive and specific, suggesting that power-sharing can strengthen ethnic conflict. Rothchild and Roeder claim that “power-sharing institutions frequently empower the leaders of ethnic groups with the means to challenge the power-sharing agreement.”<sup>21</sup>

In the short term, Rothchild and Roeder identify a few problems that could lead to the collapse of the power-sharing agreement: governmental inefficiency due to expanded representation and inclusive decisions can disillusion constituents. Power-sharing institutions may not be sufficiently flexible to adapt to rapidly changing social conditions during a transition period. The absence of an external guarantor to ensure stability and obligations also means that leaders may go back on their commitments.

### *Is There Evidence That Power-Sharing Works?*

Does power sharing work? Approaching the issue using a statistical methodology, Caroline Hartzell and Mathew Hoddie tested the effects of power-sharing provisions in civil war settlements on the endurance of peace. Their list was composed of 38 civil wars resolved in peace negotiations from 1945-1998, including 15 African conflicts.<sup>22</sup> They consistently found that the more dimensions of power sharing (political, territorial, military and economic) adopted among former combatants, the higher the likelihood of peace enduring. Specifically, territorial or military power-sharing provisions are positively associated with the likelihood that peace will endure.<sup>23</sup> It is important to note states that have experienced high casualty rates during civil war and are polarised along ethnic lines have the highest potential for settlement failure. These statistical findings are predominately positive for promoting power-sharing. On the other hand, Hartzell and Hoddie note that there are relatively few studies that address power-sharing success by statistical methods.

## **CONDITIONS OF POWER-SHARING AND CONSOCIATIONALISM**

Power-sharing, particularly Lijphart’s consociational model of power-sharing, is seen as controversial. Since two extreme outcomes were derived from different power-sharing institutions –

<sup>19</sup> R. B. Andeweg, “Consociational Democracy,” *Annual Political Science Review* vol. 3 (2000): p. 330.

<sup>20</sup> Van Parijs, pp. 305-306.

<sup>21</sup> D. Rothchild and P. G. Roeder, “Power Sharing as an impediment to Peace and Democracy,” in *Sustainable Peace: Power and Democracy after Civil Wars*, ed. D. Rothchild and P. G. Roeder (Ithaca: Cornell University, 2005), p. 37.

<sup>22</sup> C. Hartzell and M. Hoddie, “Power Sharing in Peace Settlements Initiating the Transition from Civil War,” in *Sustainable Peace: Power and Democracy after Civil Wars*, ed. D. Rothchild and P. G. Roeder, (Ithaca: Cornell University, 2005). Also published in C. Hartzell and M. Hoddie, “Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management,” *American Journal of Political Science* vol. 47, no. 2 (2003): pp. 318-332.

<sup>23</sup> Hartzell and Hoddie (2005), p. 84.

the South African transition and the Rwandan Arusha Accords preceding the genocide – it is important to explore and evaluate academics' suggested conditions for success of these practices and institutions. Are there conditions that prove to be more or less conducive to power-sharing? Are there necessary elements that must be present for these concepts to mitigate conflict?

### *Necessary*

Sisk observes that power-sharing practices are often adopted as a direct response to a history of violent conflict. In order to use such power-sharing practices, models or institutions to achieve peaceful transition or prevent further violence, it is important that the actors involved understand certain notions. Both the political elites and the masses living in the divided state must understand that they will have to coexist, that some incentives will be required in order avoid further violence and that the failure to accommodate each other will lead to a return to conflict. He offers that a “necessary condition for the mitigation of conflict in deeply divided societies is the existence, or creation, of a centrist core of moderates.” This core of moderates is to be drawn from both elites and broader civil society. Not only should this core possess the ability to coexist with other groups, but they must also withstand the pressures of “extremist outbidders that seek to mobilize on divisive themes for their own power-seeking aims.”<sup>24</sup> Sisk further notes that most adversaries as well the political elites, their organizations and their constituents must accept the commitment to coexistence. When these conditions and sufficient moderates do exist, power sharing can be a practical method for the democratic management of conflict. However, if these commitments are missing the outcome may be violence, state erosion and collapse.<sup>25</sup>

### *Favourable*

Lijphart, who has written extensively on this subject of consociationalism, has outlined various favourable conditions for its success. For the purposes of this article only his considerations relevant to the developing world will be reviewed.<sup>26</sup>

It is no surprise that Lijphart cites leadership as the most crucial element in a consociational democracy. Favourable leadership entails a willingness to cooperate even in the face of cleavages and the ability to negotiate in the spirit of compromise. It is also important that leaders preserve the support and loyalty of their constituents and have the ability to “carry them along.”<sup>27</sup>

With specific reference to the developing world, Lijphart notes that among divided societies ancient loyalties are usually strong whilst nationalism is usually weak. However, if there is some feeling of nationalism among the elites this enhances the chances for consociationalism. Other favourable factors for consociationalism include a balance of power, size and economic equality. Borrowing from what Horowitz calls “parallel groups,” economic equality is defined as occurring when “each group has its own elite strata [and] the groups do not stand in a generalized hierarchical relation to each other.”<sup>28</sup>

### *Necessary but Unlikely*

Rothschild and Roeder agree that, under the right conditions, power sharing can have positive outcomes. However, they argue that few if any of the necessary conditions are likely to be found in ethnically divided societies. This is especially true of countries emerging from conflict where conditions such as elite dominance, accommodation and state strength are mostly likely to be lacking.

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<sup>24</sup> Sisk (1996), p.115.

<sup>25</sup> Ibid.

<sup>26</sup> See *Democracy in Plural Societies*, 1977.

<sup>27</sup> Lijphart (1997), p. 53.

<sup>28</sup> Ibid., pp. 173-174.

Elites emerging from intense conflict will have little reason to trust each other and in such a climate a culture of accommodation may not be feasible. The sincerity of elite commitments may be suspect if leaders treat negotiations as a time to rebuild and restock for another round of fighting, rather than as a peaceful way to achieve their objectives. In order to negotiate credibly with other parties, leaders will also need to assure one another that they have influence over their constituents, a difficult thing to secure in a rapidly changing post-war environment. Moreover, even if elites demonstrate dominance over their constituents and accommodation for other parties, Rothschild and Roeder contend that a destructive civil war typically weakens the state. In a weak state, constituents may see the central government as illegitimate or the administration as biased, thus eroding the success of any power-sharing institution. Lastly, they argue that power-sharing may be irrelevant if there is no state to share because it has been destroyed by war.

### *Limits*

Ian Spears argues that whilst power-sharing is an attractive option because it offers a logical approach to conflict management in terms of political and economic power, it is especially attractive to the international community, who see it as a model that will reduce the need for their commitment in the settlements. Nevertheless, in Africa it does have its limits. Given that most African conflicts are internal – such as in Uganda and Rwanda – Spears argues that while forming a political alliance must be difficult, it is much less difficult allying with someone perceived to be a murderer. He questions how far power-sharing needs to extend. Is a state required to share power even with extremists? He asserts that “power-sharing cannot be about coalitions between friends, but rather *must* be about reconciliation between enemies.”<sup>29</sup>

### **POWER-SHARING APPLIED: SOUTH AFRICA**

South Africa was originally settled by the Dutch and transferred between the British and the Dutch at various stages until it finally came under British possession. Although some forms of segregation existed before, it was in 1948 that the Afrikaner-based National Party (NP) came to power and quickly initiated a number of statutes to separate the races both socially and physically. Africans were a racial category, required to carry identification papers and arrested if found without them. The early 1950s also saw a slew of laws separating the land into White and African territories.<sup>30</sup> Limits were placed on the rights of Black Africans to reside in urbanized areas and they were forcibly removed if they were not authorised to be living there. Public facilities and education became segregated as well. Land ownership for Black Africans outside the designated homelands was impossible and their citizenship within South Africa proper was devalued. To ensure the system remained in place, all non-White voters were removed from the electorate. By 1960 Prime Minister H. F. Verwoerd had “refined, perfected and – above all – enforced” the apartheid system.<sup>31</sup>

The 1980s were a rough time for South Africa. The economy suffered from the international economic sanctions imposed due to the country’s apartheid policies. Banks, such as Chase Manhattan Bank in 1985, felt that the political unrest in South Africa was too risky to roll over loans to its debtors.<sup>32</sup> The United Democratic Front (UDF) formed the largest opposition movement to

<sup>29</sup> I. S. Spears, “Africa: The Limits of Power-Sharing,” *Journal of Democracy* vol. 13, no. 3 (2002): p. 125.

<sup>30</sup> The following acts shaped apartheid: Population Registration Act (1950), Group Areas Act (1950), Abolition of Passes and Coordination of Documents Act (1952), The Native Laws Amendment Act (1952), Reservation of Separate Amenities Act (1953), and Natives Resettlement Act (1954). Horowitz, p. 11.

<sup>31</sup> Horowitz, p. 11.

<sup>32</sup> R. Ross, *A Concise History of South Africa* (Cambridge: Cambridge University Press, 1999), p. 167.

apartheid and saw itself as representing the banned African National Congress (ANC). 1984 saw uprising and protest in the townships and by 1986, 27 townships were under ANC/UDF control.<sup>33</sup>

South Africa was at war on many fronts. A civil war between the UDF and Chief Buthelezi's Inkatha Freedom Party in Natal left several thousand dead. Township revolts were being repressed and political parties banned, including the UDF. The South African Army was scattered in conflicts with bordering states. The defining moment to end the chaos was P.W. Botha's mild stroke in 1989, which opened room for F.W. de Klerk to be elected the leader of Nationalist Party. As President, de Klerk began with many bold moves, such as releasing leading ANC figures from prison and removing the bans on most political parties. In mid-February of 1990, Nelson Mandela walked out of prison, leading South Africa into a new era.<sup>34</sup>

Despite all the turmoil of the 1980s, from the moment de Klerk was elected president and Mandela walked free, South Africa embodied all the necessary elements and favourable conditions to transition from an apartheid state to democracy using power-sharing and consociational models. The author argues that it was the consociational design of the 1993 Interim Constitution Pact that stabilised the state and prevented conflict.

### *Necessary Leadership and Recognition*

If there is one salient lesson to learn from scholars about power-sharing and consociationalism, it is that elite political leaders are necessary. For South Africa the two candidates that lead the opposition parties could not have been more perfect. Both de Klerk and Mandela were educated, carried *broad* and *deep* support among their constituents and shared the *common destiny* of a bloodless unified state.

De Klerk was a former academic lawyer from the heart of Afrikanerdom described as a "mild-manner conciliator."<sup>35</sup> Perceived as leaning toward the right of the Nationalist Party and with a family history of politics, he possessed Lijphart's favourable leadership ability to *preserve the support and loyalty of their constituents and have the ability to carry them along*. Sisk demonstrates that Mandela, "with broad public support and leading the country with an ethos of national reconciliation and moderation" was even Horowitz's ideal president.<sup>36</sup> Despite being the celebrated leader of the African National Congress, negotiations still presented Mandela with the tough challenge of winning the support of his own followers whilst simultaneously allaying White fears.<sup>37</sup> De Klerk and Mandela's legitimacy towards the peace process was further confirmed both in South Africa and internationally when they were awarded Nobel Peace Prize in 1993.

While both elites did possess true leadership qualities, Sisk would argue that the move towards a common ground was advanced by other motivations as well. For de Klerk and the Nationalist Party, stagnation and decline of the South African economy was putting White prosperity in danger. There was increased pressure from the international community to reform and the revolts and military conflicts with border countries were simply "costing too much in money and white lives."<sup>38</sup> The NP knew that if it were to have any influence in this new government, it would need to be of the power-sharing type. The African National Congress, whilst opposed to power-sharing, was aware that it needed the economics of Whites, as well as the South African Army. The ANC were also aware that cooperation could result in international aid, which was a particular incentive

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<sup>33</sup> Ibid., pp. 170-171.

<sup>34</sup> Ibid., pp. 171-181.

<sup>35</sup> Ibid., p. 181.

<sup>36</sup> Sisk (1996), p. 55.

<sup>37</sup> A. Brink, "Nelson Mandela," *Time Magazine*, available online: <http://www.time.com/time/time100/leaders/profile/mandela.html> (accessed 25 January 2007).

<sup>38</sup> Ross, p. 183.

given the decline in Cold War aid.<sup>39</sup> The power-sharing idea originated because both the NP and ANC had a common destiny and “a realisation that consensus-based rule was needed to help get the country through the volatility and uncertainly.”<sup>40</sup>

### *1990-1994 Creating the a Power-Sharing Constitution*

Spears recognizes that African politics must be seen from the self-interested perspective of elites, because even though they find power-sharing attractive, their primary concern remains which strategies best meet their interests and, even more so, their security needs.<sup>41</sup> The provisions of the 1993 Interim Constitution Pact were carefully constructed to ease fears and ensure securities that the parties felt necessary to protect their power and interests.

The Government of National Unity would include all major political parties in a proportional system. Parties winning more than five percent of the vote would be entitled to a proportionate number of seats in the 27-person cabinet, and decision making would be consensus-based without formal legal constraints. The electoral system – national and regional – was also based on proportional representation (PR) with every South African enfranchised.<sup>42</sup> Choosing such a system greatly enhanced the stability and legitimacy of the 1994 elections. This simple form of PR provided incentives for “spoilers” to join the elections. The Inkatha Freedom Party (IFP) jumped onto the ballots at the last moment. Even if they would be a minority, they would have a chance for representation and thus some influence in the ruling of South Africa in the Government of National Unity.<sup>43</sup> If the structure had followed a majoritarian form, the Inkatha Freedom Party may have seen their votes as wasted and chosen to boycott or violently oppose, thus undermining the system.

Entering into negotiations, the National Party and other minority parties such as the Inkatha Freedom Party were greatly outnumbered. However, each party chose to participate because the structure of the institutions and power-sharing made concessions to their insecurities. The previous apartheid system had given the Whites generous wealth in terms of political power and resources. To quell their anxiety, private property rights were guaranteed. The expropriation of resources – especially of land – was still a possibility under certain circumstances, but it would be done at fair market values. The autonomy granted to the nine provinces allowed for the adoption of provincial constitutions and included provisions for traditional authorities.<sup>44</sup> This appealed the IFP, who while a minority, were regionally strong and able to become the majority party in the contested KwaZulu-Natal Province in 1994.

The General Assembly, which consisted of a 400-member chamber, was tasked to craft the new charter. In order to placate the general insecurity of minorities, a two-thirds supermajority rule was required for approval. To further ease concerns, the security forces were to be integrated starting with the liberation force’s incorporation into the South African National Defence Force and the creation of the police forces.<sup>45</sup>

It is no secret that the interim government and the 1993 Interim Constitution Pact were constructed on consociational elements. In September 1990, just as the discussions were beginning, the United States Information Agency actually sponsored a debate on appropriate institutional struc-

<sup>39</sup> Ibid., p. 188.

<sup>40</sup> T.D. Sisk and C. Stefes, “Power Sharing as an Interim Step in Peace Building: Lesson from South Africa,” in *Sustainable Peace: Power and Democracy after Civil Wars*, ed. D. Rothschild and P. G. Roeder (Ithaca: Cornell University, 2005), p. 302.

<sup>41</sup> Spears, p. 127.

<sup>42</sup> Sisk and Stefes, p. 302.

<sup>43</sup> Sisk (1996), p. 62.

<sup>44</sup> Sisk and Stefes, p. 303.

<sup>45</sup> Ibid.

tures for post-apartheid South Africa. The featured scholars were Lijphart, Horowitz and top South African constitutional thinkers.<sup>46</sup>

### *Was this South Africa's Only Option?*

Despite transitioning a regime built on over fifty years of apartheid into a unified democratic state, the cooperating elites and consociationalism of the process went widely criticised. In Jung and Shapiro's review of South Africa's Interim Constitution, they felt it "combines the worst of both worlds from the standpoint of a democratic institutional design."<sup>47</sup> Specifically, they cited the elite pact as non-democratic and the institutions as leaving no room for opposition. To them, South Africa was not a viable democratic order.

If South Africa had chosen what they deem a viable democratic order – a majoritarian democracy – it is unlikely there would have been a stable transition. It was the proportional representation system that provided the incentives for the Inkatha Freedom Party to join the elections instead of boycotting or violently opposing them. As previously noted, the IFP had been engaged in a civil war over political and territorial control in Natal with the UDF, now ANC. In a majoritarian system, the ANC would have dominated, reinstating the threat to the IFP and spiralling the two parties back into conflict. With the PR system and unity government, the IFP was able to gain a regional majority in the Natal province and have a seat at the national level.

### **POWER-SHARING APPLIED: RWANDA**

The Hutu and Tutsi ethnic groups were actually very similar, speaking the same language and living amongst each other. However, when Belgian colonists arrived in 1916, they identified the Hutu and Tutsi as separate groups.<sup>48</sup> The colonial power further polarised the groups by classifying Rwandans into one of the two ethnic identities and obligating them to carry ethnic identity cards. The Belgians deemed the Tutsis superior to the Hutus and thus Tutsis were favoured in administrative positions, education and jobs in the modern sector.<sup>49</sup> As resentment steadily built up among the Hutu people, a new political elite emerged. Using their branded identity, "they made their suffering a badge of pride: Hutu Power!"<sup>50</sup> The Revolution of 1959 left 20,000 Tutsis dead, and many more refugees fleeing to the neighbouring countries of Burundi, Tanzania and Uganda.<sup>51</sup> Accession of power went to the Hutus, and Rwanda gained its independence in 1962.

The next wave of rule started in 1979, with a coup installing Juvenal Habyarimana as president, leading the single party National Republican Movement for Democracy and Development (MRND). Habyarimana ruled as a dictator and his regime took harsh measures on its political opponents in the form of imprisonment and assassination.<sup>52</sup> Tutsi refugees abroad were treated as second-class citizens and although many fought to be repatriated back into Rwanda, Habyarimana refused, claiming that there was insufficient land to accommodate them.<sup>53</sup> In Uganda, Tutsi refugees, supported by some moderate Hutus, began building the Rwandan Patriotic Front (RPF) with the intention of overthrowing Habyarimana and securing their right to return to their homeland.<sup>54</sup>

<sup>46</sup> Sisk (1996), p. 95.

<sup>47</sup> Jung and Shapiro, p. 277.

<sup>48</sup> BBC News, "Rwanda: How the Genocide Happened," BBC. Available online: <http://news.bbc.co.uk/1/hi/world/africa/1288230.stm> (accessed 25 January 2007).

<sup>49</sup> C. Newbury, "Background to Genocide: Rwanda," *Issue: A Journal of Opinion* vol. 23, no. 2 (1995): p. 12.

<sup>50</sup> M. Mamdani, "A Brief History of Genocide," *Transition* vol. 10, no. 3 (2001): pp. 43-44.

<sup>51</sup> BBC News.

<sup>52</sup> Newbury, p. 13.

<sup>53</sup> Ibid.

<sup>54</sup> BBC News.

By the 1990's, Rwanda had hundreds of thousands of refugees who had lived for a generation in exile in neighbouring countries such as Uganda and Burundi.<sup>55</sup>

In October 1990, the RPF invaded northern Rwanda from Uganda. The extreme right faction of the Rwandan government used this to build up their army from 5,000 to 30,000 and anti-Tutsi propaganda was launched on radio stations. In August 1993, the RPF and the government of Rwanda signed the Arusha Accords, which included forming a power sharing government. The United Nations sent in a peacekeeping force, which was under-funded and understaffed. Then, on April 6, the plane carrying President Habyarimana and the President of Burundi was shot down. Over the next 100 days, the military and Interahamwe militia groups killed between 500,000 and 1,000,000 Tutsis and Hutu moderates in the Rwandan Genocide. It was not until the RPF reached Kigali on July 4<sup>th</sup> 1994 that the war ended. Once the RPF took control of the country, two million Hutus fled to surrounding areas such as the Democratic Republic of the Congo (DRC), Burundi, Uganda and Tanzania fearing Tutsi retribution. This created a refugee crisis.<sup>56</sup>

#### *1990-1994: Power Sharing and the Arusha Accords*

If South Africa is the ideal model possessing all the necessary conditions for power-sharing to thrive, then Rwanda represents the worst case scenario that played into almost every criticism of the concept. The power-sharing settlement, the Arusha Accords, failed to mitigate violence because it lacked such necessary factors as an able and committed leadership, a shared destiny and the will to accommodate. In addition, power-sharing led to the zero-sum scenario that South Africa managed to avoid.

#### *Able and Committed Leadership*

Able and committed leadership is critical to power-sharing. As Rothschild and Roeder contend, it was highly unlikely to find this type of leadership in Rwanda, especially after the civil war. The willingness to compromise, ability to balance hard-liners and overall commitment was lacking from the RFP and was completely absent on the part of the government.

The RPF arrived at the talks well organised, unified and ready to negotiate on its prepared demands and positions.<sup>57</sup> Presenting a vision of a shared non-racial nation based on human rights, the RPF showed promise. However, the RPF was aware of its military superiority over the government of Rwanda and exploited this in the bargaining, undermining the credibility of RPF dedication. With all parties well aware that the RPF “was prepared to return to the battlefield” if an adequate settlement was not reached, how were the other parties supposed to feel secure about the commitments?<sup>58</sup>

On the other side, the government was unorganised and fragmented. Prior to his death this was led by Habyarimana, who was extraordinarily indecisive and lacked the ability to unite his own party. Throughout negotiations he teetered between the moderates and hardliners, reversed and vetoed commitments made by his foreign minister, Boniface Ngulinzira, and was unable to unify

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<sup>55</sup> A. Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999). See “The Genocide,” available online: <http://www.hrw.org/reports/1999/rwanda/>

<sup>56</sup> N. Alusala, “Disarmament and Reconciliation: Rwanda’s Concern,” Paper 108, Pretoria: Institute of Security Studies, 2005, p. 2.

<sup>57</sup> J. Stettenheim, “The Arusha Accords and the Failure of International Intervention in Rwanda,” in *Words over war: Mediation and arbitration to prevent deadly conflict*, ed. J.H. Barton, M.C. Greenberg and M.E. McGuiness (New York: Rowman & Littlefield, 2002).

<sup>58</sup> Stettenheim, pp. 225, 230.

the government.<sup>59</sup> Rene Lemarchard describes Habyarimana as lacking vision and “very much the captive in his extremist, northern-based entourage.”<sup>60</sup>

Neither Habyarimana nor the third party could negotiate the inclusion of the Committee for the Defence of the Revolution (CDR) extremist party with the RPF. This had negative consequences. A common saying about this situation was “it is better to have the CDR inside the tent than outside, threatening to burn it down.”<sup>61</sup> As Sisk contends, a necessary condition to mitigate conflict in deeply divided societies is the existence or creation of a core of moderates that “can withstand the pressure of extremist outbidders that seek to mobilise on divisive themes for their own power-seeking aims.”<sup>62</sup> Because the core was lacking, the CDR was able to recruit more and more moderates who were upset with the final provisions of the accord.<sup>63</sup> Unlike in South Africa, where reformers came forward, “the reformers in Rwanda’s regime never had a chance, while the extremists in the opposition never ceased to gain influence.”<sup>64</sup>

#### *A Shared Destiny and the Will to Accommodate*

In contrast to the South African transition, where the African National Congress and the Nationalist Party had a common understanding of a unified democratic state, in Rwanda this vision and will to accommodate was very weak.

The Rwandan Patriotic Front and the opposition members within the government of Rwanda were the only two groups to demonstrate effort or accommodation. The RPF sought to recruit the opposition members to create a post-Habyarimana regime based on the rule of law and a society free from ethnicity. However, as mentioned previously, the RPF often wielded their military power as an alternative option and consequently the opposition was suspicious of their true commitments. This falls in line with Rothschild and Roeder’s observation that it is hard to judge the sincerity of elite commitments after the civil war. The RPF’s offensive in February 1993 confirmed that uncertainty.<sup>65</sup>

It is obvious that with the Committee for the Defence of the Revolution that there was no vision of co-existing. Once excluded, the CDR became a “spoiler” in the implementation process. Christopher Clapham argues groups like the CDR and the Interahamwe saw the negotiations as a façade to build up their support.<sup>66</sup> Their vision is confirmed by the public statement made by the leader of the CDR, who suggested that the “extermination of the Tutsis would be the inevitable consequence... of the implementation of the Arusha Accords.”<sup>67</sup>

Habyarimana also lacked credibility in terms of commitment. In a speech in 1992 he called the Arusha Accords mere “pieces of paper.”<sup>68</sup> In contrast with South Africa, where Mandela was making speeches encouraging reconciliation and negotiation and implementing the hard bargains he had struck, Habyarimana was silent and had to be dragged to the negotiating table.<sup>69</sup> The president was not doing anything to ensure that he and the government would keep their side of the obligations.

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<sup>59</sup> Ibid., pp. 226, 231.

<sup>60</sup> R. Lemarchand, “Managing Transition Anarchies: Rwanda, Burundi, and South Africa in Comparative Perspective,” *The Journal of Modern African Studies* vol. 32, no. 4 (1994): p. 595.

<sup>61</sup> This saying is widely quoted and is found in various forms. As quoted in this essay it is from Stettenheim, p. 230. Another version is “better to have the hardliners inside the tent, pissing out, than outside the tent pissing in.” Mamdan (2001a), p. 212.

<sup>62</sup> Sisk (1996), p. 115.

<sup>63</sup> L. Scorgie, “Rwanda’s Arusha Accords: A Missed Opportunity,” *Undercurrent* vol. 1 (2004): p. 72.

<sup>64</sup> Lemarchard, p. 595.

<sup>65</sup> Stettenheim, p. 226.

<sup>66</sup> C. Clapham, “Rwanda: The Perils of Peacemaking,” *Journal of Peace Research* vol. 35, no. 2 (1998): p. 205.

<sup>67</sup> Scorgie, p. 72.

<sup>68</sup> Stettenheim, p. 226.

<sup>69</sup> Lemarchard, p. 595.

As Sisk warns, if the commitments to co-exist are not accepted broadly among adversaries or deeply in society, then the outcome may be violence, state erosion and collapse. From the above evidence we can see clearly that the commitments did not appear to be sincere. In fact, the commitments resulted in the exact outcomes that Sisk predicted.

### *Zero-Sum*

When ethnic rivalries are present and the state is the prize, as in the case of Rwanda, a zero-sum/winner-take-all outlook can be deadly to power-sharing. Why would a group wish to accommodate an enemy when they could have it all? Sisk illustrates that in divided societies an unbalanced power leads actors to either believe they can dominate or fear that their opponent will dominate; both situations lead to a zero-sum game. In South Africa, the conflict moved to a positive-sum perception because there was interdependence and a balance of power between the parties.<sup>70</sup> Unfortunately that was not the case in Rwanda and the situation was exacerbated by the outcome of the Arusha Accords.

In the negotiations, the balance of power was tipped towards the more organised and militarily stronger Rwandan Patriotic Front, as demonstrated in the results of the negotiations. More importantly, the outcome of the Arusha Accords themselves was perceived as a win-loss situation. Mamdani attributes this win-loss mentality to four parts of the settlement. First, the RPF received forty percent of the soldiers and fifty percent of the officers. Second, the RPF was given the important position of Ministry of the Interior. Third, the RPF received eleven seats in the parliament and five in the ministry while the CDR was excluded. Lastly, they also secured the right of return for refugees.<sup>71</sup> For the RPF the provisions filled their security needs, their representation in the rule of the new state and a solution to the long needed refugee problem. Hutu Power perceived the outcome as “having won at the conference table what it had yet to win on the battle-field.”<sup>72</sup> The Arusha Accords had the unintended consequences of pushing power-sharing to a winner-takes-all game, which is potentially violent.

## CONCLUSIONS

### *Mitigating Conflict: Evaluations*

A successful transition to democracy was defined above as the institutional ability to mitigate conflict. This is based on Sisk’s understanding that the “successful regulation of conflict in a multi-ethnic society [occurs] when the predominant pattern of inter-group dispute resolution is based on bargaining and reciprocity; unsuccessful regulation is evident when conflict degenerates into violence.”<sup>73</sup>

Numerically, South Africa saw nearly 14,000 deaths related to political violence in the first three years of negotiations. However, in a country of about 33 million at the time, this was a very small percentage. Significantly, scholars such as Sisk and Stefes have noted that the high-level talks led by Mandela and de Klerk continued despite this violence and that these high-level talks spread to many other strata of society, “to virtually every arena of politics, society, and economics.”<sup>74</sup> Mandela and de Klerk’s deep commitment were reflected in society and overcame the violence.

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<sup>70</sup> T. D. Sisk, *Democratization in South Africa: the elusive social contract* (Princeton: Princeton University Press, 1991), p. 285.

<sup>71</sup> Mamdani (2001a), pp. 210-211.

<sup>72</sup> *Ibid.*, 210.

<sup>73</sup> Sisk (1996), p. 4.

<sup>74</sup> Sisk and Stefe, p. 300.

In Rwanda, the violence was never really mitigated. Even during the power-sharing negotiations the ceasefire broke down numerous times, notably in February 1993 when the RPF left the bargaining table to remind its opposition of its military superiority. In October 1994, the United Nations estimated that the war had reduced Rwanda's population (death and displacement) by about 37 percent, from 7.9 million to 5 million.<sup>75</sup>

### *The Arguments*

This paper set out to explore why the power-sharing principles in South Africa were so instrumental in its transition from apartheid and why during the same four years those same power-sharing concepts were unable to mitigate conflict in Rwanda, leaving the Tutsi population devastated by genocide.

This paper argues that the South African transition to democracy presented the necessary and favourable conditions for a power-sharing agreement to thrive, specifically strong moderate leadership and the motivation to accommodate. It was the consociational design of the 1993 Interim Constitution Pact that stabilised the state and prevented conflict. In the case of Rwanda this paper argues that the Rwandan power-sharing peace settlement – the Arusha Peace Accords – failed to mitigate violence because it lacked such necessary factors as committed leadership, a shared destiny and the will to accommodate. The negotiated outcomes of the Accords led to the zero-sum scenario that South Africa managed to avoid, thus leading the state into conflict rather than mitigating it.

Mandela and de Klerk received the 1993 Nobel Peace Prize for their committed leadership on the most difficult and decisive issues on the bargaining table. In contrast Habyarimana did little to show any type of commitment to the power-sharing negotiations, in fact wavering on his pledges. Whilst the PRF originally showed some promise of committed leadership, their actions soon spoke otherwise as they reverted to military violence during tough times instead of grand gestures like de Klerk.<sup>76</sup>

In terms of institutional design South Africa, with features such as the proportional representation systems, was able to turn the Interim Government into a positive-sum scenario where parties recognised that it was better to cooperate and be included rather than boycott the process and undermine it. This was demonstrated by the last-minute inclusion of the Inkatha Freedom Party for the 1994 elections. Unfortunately Rwanda was unable to avoid the outcomes of the Arusha Accords turning the state into a prize to be won. The importance of inclusion in a contested state was simply not recognised. The extreme CDR party was excluded, a majority vote was chosen despite the arguments for consensus rule and even though refugee repatriation was addressed, there was no power-sharing provision on the territory.<sup>77-78</sup>

### *Lessons Learned*

Recounting history, it is much easier to identify the absent factors that led to the demise of the power-sharing negotiations in Rwanda. It is also easy to cite the successes of power-sharing when a country is led by a dream team of elites, as was the case in South Africa. This is not to conclude that South Africa is free of all problems; the success of South Africa is illustrated in its transition from apartheid to a democratic state without a major civil conflict or genocide. Today issues such

<sup>75</sup> Stettenheim, pp. 215-216, 231.

<sup>76</sup> An example of de Klerk's grand gestures to commitment would be his release of political prisoners and the removal of bans on political parties in the 1990's.

<sup>77</sup> Stettenheim, p. 230.

<sup>78</sup> Rwanda is classified as having three of the four power sharing agreements classified in Caroline Hartzell and Mathew Hoddie analysis. The absent power-sharing provision is territorial. Hartzell and Hoddie (2003), p. 326.

as AIDS and violent crime still loom over its current government and the country faces significant challenges.

This paper agrees with Roeder and Rothchild that under the proper conditions power-sharing can work well. Unfortunately, in ethnically divided societies few if any of these necessary conditions are likely to be found, especially in countries emerging from conflict. Sisk warns that if certain pertinent commitments are missing, the outcome may be violence, state erosion and collapse. Nevertheless if the conditions are present, then power-sharing can be a practical method for democratic conflict management. Ironically, as Spears observed, perhaps power sharing works best where it is least needed.

As we look toward current situations in the world, it is important to understand that the necessary components of a power-sharing strategy so that we can identify in which situations it is a viable option and in which situations an alternate political route to peace should be pursued. Do conflicting societies possess the leadership and motivation to resolve the struggle between factions through power-sharing tactics? Can a power-sharing agreement quell the conflict and revive the collapsing state of Sudan, or have the crimes committed against the Dafurian people under the control of the Khartoum government created a zero-sum situation where the state cannot be shared?

It comes down to the fact that power-sharing is risky business, especially when the state is seen as prize to be won rather than shared. There are two critical lessons to be considered in designing power-sharing governments. The first is that power-sharing requires strong, committed and influential leadership, not only at the negotiating table but in the community at large as well. Secondly, the drive for a unified democratic state must come from within the communities themselves, for it is their own common destiny that they are building and if the necessary conditions do not exist we cannot force power-sharing upon them. We have already seen what a devastating end result this can breed.

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