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New Institutions, New Gender Rules? A Feminist Institutionalist Lens on Women and Power-Sharing

Fiona Mackay[*] and **Cera Murtagh**[**]

Abstract

This article examines the apparent tension between power-sharing as the dominant approach to conflict settlement and the inclusion of women and provisions for gender equality as promoted through the Women, Peace and Security agenda. We argue that applying a feminist institutionalist (FI) lens - which attends to the interactions between political and social institutions, and the interplay between formal and informal rules, norms and practices - provides a means of explaining the so-called 'gendered paradox of power-sharing', including the gap between the promise of formal frameworks and outcomes for women in practice. We draw upon extant feminist research on three post-conflict power-sharing cases: Bosnia and Herzegovina, Northern Ireland, and Burundi. Using the concepts of: *nested newness*, *formal and informal institutions*, the *gendered logic of appropriateness*, and *gendered actors*, we illuminate *why* it has been so difficult for the gender progressive institutional innovations to be instantiated. In so doing, we answer the call of Byrne and McCulloch (2012) for more systematic analysis and theorising around the gendered paradox of power-sharing, and we also provide a basis for identifying what institutional mechanisms might be needed to embed the inclusion of women and the integration of the WPS norms in power-sharing frameworks in the future.

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[*] Politics and International Relations, School of Social and Political Science, University of Edinburgh, UK. Email f.s.mackay@ed.ac.uk
[**] Department of Political Science, Villanova University, USA. Email cera.murtagh@villanova.edu

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Introduction[1]

This article applies a feminist institutionalist (FI) lens to the apparent tension between power-sharing as the dominant approach to conflict settlement and the inclusion of women and provisions for gender equality as promoted through the Women, Peace and Security (WPS) agenda. In so doing, we answer the call of feminist scholars such as Byrne and McCulloch (2012) for more systematic analysis and theorising around the gendered paradox of power-sharing. Whilst these two international trends have coincided and developed over the last twenty years or so, questions remain about whether and how the concerns of WPS can be reconciled with the practice of political power-sharing in post-conflict states. Feminist critiques are long standing of the exclusionary dynamics of conflict resolution and resultant political settlements – including power-sharing models – that, it is argued, neglect social and cultural dynamics, and to reinforce gender and other inequalities.

Processes aimed at post-conflict political settlement, represent an opportunity for the inclusion of women and concerns about gender equality, including equal political participation. As a point of fundamental restructuring, pact-making provides a critical juncture for women's inclusion, potentially allowing access at 'ground zero' of institutional and constitutional design. Indeed, the underlying rationale of the WPS agenda and the landmark United Nations Security Council Resolution 1325 (2000) and subsequent resolutions has been the need for women and their diverse perspectives to be included in these processes (Bell and O'Rourke, 2007, 2010). The WPS agenda promotes the inclusion of women at every stage of conflict resolution and post-conflict

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political settlement, and participation at all levels of decision-making. Beyond presence (the descriptive representation of women), the agenda promotes the substantive representation of women, including through equalities and women's rights blueprints, the mainstreaming of gender perspectives into all aspects of post-conflict policy and programmes of recovery and reconstruction, and state action to address (through prevention and protection) gender-based violence including sexual violence (Chinkin, 2003; Miller et al., 2014).

Although implementation of the WPS agenda has been patchy, there has been an increase in the number of provisions in formal peace agreements relating to women and gender, from mandating gender quotas in 'post-conflict' legislatures and executives to prescribing specific institutions for women in the new frameworks. Indeed, new empirical evidence from the PAX database (Bell, 2015b; Bell and McNicholl, this issue) demonstrates there is, in fact, a positive correlation between power-sharing institutional models and formal gender provisions in peace agreements. However, much scepticism remains amongst feminist scholars and activists, not least because, in practice, there has been a considerable gap between the formal inclusion of women and provision for gender equality, and outcomes for women's descriptive and substantive representation and for gender equality in post-conflict power sharing in practice. This is the so-called 'gender paradox' (Byrne and McCulloch, 2012).

However, given that power-sharing has become the predominant theoretical and practitioner approach to conflict resolution, there have been calls to move beyond a simple 'mantra' that power-sharing is 'bad for women' (Bell, 2015a), and to analyse the implementation gap and the constraints that limit the formal promise of power-sharing in practice. It is argued that, whilst there may be an 'awkward fit', there is no substantive reason *why* power-sharing models should not be able to accommodate differences other than ethno-national identities, nor promote gender equality and inclusion (Byrne and McCulloch, 2012, 2017).

This paper begins by setting out the key features of political power-sharing, and feminist critiques of power-sharing in theory and practice. The paper then introduces

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key concepts of FI that, it argues, cast light on the ways in which consociational power-sharing impacts on the WPS agenda of women's inclusion and their descriptive and substantive representation. It proceeds to apply these FI concepts to the varying experiences of post-settlement power-sharing in three illustrative case studies: Bosnia and Herzegovina (BiH), Northern Ireland (NI) and Burundi, drawing upon extant single case and comparative work by feminist IR, legal and comparative politics scholars, supplemented by country reports from government, international organisations, and international and national NGOs. We seek to build on the pioneering analysis of the three cases by Byrne and McCulloch (2012). Our principal aim is to demonstrate the analytical value of an FI framework in furthering our understanding of the tensions between power-sharing and the WPS agenda, therefore our empirical discussion necessarily employs a broad brush.

The case study analysis reviews the formal institutional architecture for gender inclusion that sits within broader power-sharing structures in each case, before assessing the gender outcomes in practice. In so doing, it employs the concepts of FI to explain the gap that emerges between the potential that the power-sharing model holds for gender inclusion, and the empirical reality. Finally, the paper addresses this puzzle comparatively, drawing together the analyses of the three case studies to put forward an FI framework for analysis of power-sharing. We contend that a feminist institutionalist lens provides important new insights into the gendered paradox of women and power-sharing, particularly casting light on the implementation gap between formal frameworks and subsequent outcomes.

Power-Sharing and WPS

Peace agreements lay out the social, political and economic scaffolding of post-conflict societies, prescribing the institutional framework for the new state, as well as providing for specific mechanisms for the inclusion of women and the promotion of gender equality (see Bell and McNicholl, this issue for discussion). This section considers the basic principles of power-sharing, and then sketches out key areas of feminist scepticism and concern about power-sharing in theory and practice.

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Coinciding with the rise of the WPS agenda over the last two decades, consociational power-sharing has emerged as *the* model of choice in institutional design for post-conflict governance within international peacebuilding circles and related academic scholarship (McCulloch, 2014: 501). First conceptualised by Arend Lijphart in 1969, consociational democracy is a model for the democratic management of divided societies based on the accommodation of politically salient communal identities within a "powers-sharing" political system (Lijphart, 1969). It entails four core conditions: grand coalition government comprising all principal groups; group autonomy in certain policy areas; proportional representation of groups; and a mutual group veto (Lijphart, 1977). More recent refinements to consociational theory distinguish between 'corporate consociation', in which the groups to be accommodated in the system are pre-defined, often in the constitution, and 'liberal consociation', in which the groups are self-defined, emerging organically, determined by the electorate, and thus subject to change over time (Lijphart, 1991; McGarry and O'Leary, 2006, 2007, 2009; McCrudden and O'Leary, 2013; McCulloch, 2014; Nagle, 2011; Wolff, 2010).

Theoretical Disjunctures: Gender and Power-Sharing

The implications of the rise to prominence of power-sharing for women and gender equality goals, however, are far from clear. How do the increasing use of power-sharing as a tool of peacebuilding and the intensified focus on Women, Peace and Security sit together? To the extent that feminist scholarship has engaged with power-sharing, the dominant narrative has been of negative outcomes for women's political participation and rights in the post-conflict context. In a system predicated on the recognition of communal identities, women form a 'non-salient' group and thus find themselves marginalised, and their interests subordinated to the ethno-national agenda (see, for example, Bell and O'Rourke, 2007; Deiana, 2013, 2016; Hayes and McAllister, 2012 Murtagh, 2008; Rebouché and Fearon, 2005).

It is argued that this tension arises from different theoretical standpoints on conflict and its solutions held by scholars and practitioners of power-sharing, on the one hand, and feminist scholars and the WPS community on the other (Byrne and McCulloch, 2012:

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566; Kennedy et al., 2016: 2). The first theoretical disjuncture concerns identity (Byrne and McCulloch, 2017; Murtagh, 2008; Nagle, 2016a: 165). Consociational theory tends to interpret conflict as contests between rival ethno-national identities. Ethno-national identity, while not the only significant form of identity, is deemed the most politically salient. In addition, ethno-national groups are treated as relatively stable and, to a degree, homogeneous (see, for example, McGarry and O'Leary, 1995). In contrast, feminist theories highlight the gendered nature of conflict, with concepts such as 'transversalism' recognising the diverse, fluid and overlapping nature of identity within these ethno-national groups and, consequently, the potential for cross-cutting alliances (Cockburn, 1998; Rebouché and Fearon, 2005: 155; Yuval-Davis, 1997). For some scholars, the tension between gender equality and consociationalism is rooted in the fundamental ideological clashes observed between feminism and traditional forms of nationalism (Kennedy et al., 2016: 8; Pierson and Thomson, 2018; Murtagh, 2008: 32), while the complex intersectionality of gender and national and ethnic identities has also been acknowledged (Nagle, 2016a: 166). Consociationalism, in this sense, can be seen to legitimise traditional nationalism and, with it, the stereotypical gender roles that it tends to prescribe (see, for example, Cockburn, 1998: 14).

The second area of divergence between these approaches relates to the level and locus of analysis. Consociational theory, as a model based on cooperation between elite representatives of political communities, focuses on politics at the elite level and formal political arenas. The focus of feminist scholarship tends to be oriented towards the level of civil society and grassroots politics where women have played a more dominant role in conflict and post-conflict societies (Byrne and McCulloch, 2017; Kennedy et al., 2016: 2; Murtagh, 2008).

The third area of contestation concerns differing normative assumptions and aspirations. The overriding priority of power-sharing in theory and practice is the achievement of peace through stability; whereas feminist theories instead see value in instability and rupture, not least in providing openings for women's inclusion and the potential for radical transformation of gender hierarchies (Byrne and McCulloch, 2017). Power-sharing settlements can thus give rise to a tension between divergent goals of

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stability, on the one hand, and gender justice, on the other (Bell and O'Rourke, 2010: 977; Deiana, 2016: 102; Rouse, 2016).

Fourthly, there are divergent conceptions of power. As a practical tool of conflict management, power-sharing is founded on basic realism - recognising extant conflicting identities, competing nationalisms in a divided society, and accommodating them in the political system. In so doing, in practice it effectively institutionalises conflict, transplanting it to the political arena, whereby politics becomes war by other means (Wilford, 1996: 44).

Gender and the Promises and Practice of Power-Sharing

The 'mantra' that power-sharing is 'bad for women' has been problematised in recent feminist scholarship (Bell, 2015c). Far from being inherently contradictory, some scholars have pointed to an overlap between the rationale that underlies power-sharing and, for example, gender equal representation, in that each is concerned with the political inclusion of under-represented groups, and the democratic accommodation of difference (Byrne and McCulloch, 2012: 566; Byrne and McCulloch, 2017; Rebouché and Fearon, 2005: 163). Indeed, Byrne and McCulloch argue that, in principle, there may be no inherent contradiction between liberal power-sharing and the inclusion of women in post-conflict institutions (2012: 566, 577). Whilst power-sharing and the WPS agenda are not yet aligned in actual-existing practice or predominant normative assumptions, the possibility is maintained that they can be reconciled to a greater or lesser degree (2012, 2017). This resonates with recent calls for more nuanced discussions about the gendered dynamics, and emancipatory potential, of certain manifestations of nationalism, for example revolutionary/post colonialist nationalist contexts (Byrne and McCulloch, 2017).

In practice, power-sharing can have a positive impact on women's inclusion, as Hartzell demonstrates through a quantitative analysis of the effects of power-sharing measures included in peace agreements on women's political rights in the aftermath of war. She hypothesises that this outcome may be attributable to the 'spotlight effect' of

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international attention on post-conflict governments' observance of human rights in the post-agreement period (Hartzell, 2015). Bell has tested the compatibility of power-sharing and women's political inclusion in an extensive analysis of peace agreements from 1990-2015, drawing upon the Peace Agreement Access tool (PA-X). She found little evidence that power-sharing exerts a detrimental impact on women's political participation, and rather suggests that the model may be compatible with the promotion of measures for gender equality. The study found that power-sharing arrangements are often coupled with provisions for women's political rights, such as gender quotas for elections. Out of 26 political settlements adopting political power-sharing, 21 provided for legislative quotas for women (80%) (Bell, 2015c: 23). Furthermore, it emerged from the analysis that quotas do not merely remain as paper promises, but are often actually implemented in the post-agreement phase. Whilst these figures are too small to draw a correlation between power-sharing and quotas, Bell notes that the use of power-sharing and electoral quotas are not inconsistent (Bell, 2015c: 23). More recent analysis (Bell and McNicholl, this issue) builds upon the earlier work to demonstrate a strong positive correlation between power-sharing institutional models and formal gender provisions in peace agreements. Bell concludes that power-sharing is not going away and, as such, feminists need to engage with the model and the potential opportunities and challenges it holds for gender inclusion (2015c).

However, considerable feminist scepticism remains about both the normative underpinnings and the practice of power-sharing, not least because empirical research to date on power-sharing in contemporary consociations such as Bosnia and Herzegovina, Northern Ireland and Burundi reveals substantial implementation gaps, and poor outcomes in terms of women's political representation, descriptive and substantive (Byrne and McCulloch, 2017; Rebouché and Fearon, 2005: 159).

A Feminist Institutionalist Perspective

How might we better understand these disjunctures and the problem identified by Byrne and McCulloch of "the emerging tension in conflict resolution between the promotion of power-sharing between ethnic groups and the mandating of women's

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inclusion in peace processes and post conflict institutions" (2012: 565)? Deiana (2016) argues that, when it comes to the impact of power-sharing on women, we need to look beyond the 'strictly institutional dimension' to capture broader dynamics shaping women's experiences. In so doing, she taps into familiar feminist critiques about the preoccupation of both power-sharing scholars and practitioners with the formal rules and the institutional dynamics of the public/political arena, and the neglect of social and cultural dynamics and inequalities. While we accept this point, we suggest that the debate should not be conceptualised as an 'either/or' – institutional/cultural - but rather, as a 'both/and'. We argue for an FI approach which contends that it is the *interplay* of formal and informal rules - and the *interplay* between political, cultural and economic institutional arenas - that explains political outcomes for women, and the promise and limits of institutional innovation in a particular context, including the potential transformation of gender relations.

In the rest of the paper we set out four organising ideas from FI: *nested newness*; the *interplay of formal and informal institutions*; the *gendered logic of appropriateness*; and *gendered actors*. We argue that these dimensions together comprise an FI lens that provides analytical insight into the apparent gendered paradox of power-sharing. We argue that applying an FI lens enables us to explain the interconnections, and the variable outcomes, of formal gender rules in power-sharing political settlements as well as to better understand the potential entry points and strategies useful for practitioners.

FI combines institutionalist theory (see Lowndes and Roberts, 2013; Lowndes, 2018 for recent overviews) with gender analysis (see, for example, Krook and Mackay, 2011; Chappell, 2011; Kenny, 2007; Mackay, Kenny and Chappell, 2010). In common with wider institutionalism, FI argues that institutions (whether formal or informal) are likely to *matter as much if not more* than anything else in explaining political outcomes. As with other value-critical institutionalist approaches, FI conceive of contests over the political rules of the game as fundamentally about power. Political institutions embody particular (unequal) power relations as a result of past and ongoing political contestation (see Lowndes, 2018).

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FI shares the contentions of other feminist approaches that power is gendered, and it conceptualises institutions as both *gendered* and with *gendering* effects in that they tend to produce and reproduce unequal gender power relations, the misrecognition of women as a group, and the maldistribution of resources, both material and symbolic (cf Fraser, 2003; Waylen, 2014).

Much institutionalist literature has been concerned with theorising institutional continuity rather than providing explanations of change – indeed, stability is a defining feature of institutions. In line with the transformative aims of feminism, FI has also been concerned with how gendered institutional innovation can be enacted in extant institutional arenas ('new gender rules' in 'old institutions'), and how wider institutional and constitutional reform processes can be gendered in progressive ways ('new gender rules' in 'new institutions') (see Thomson, 2018, 2019). The creation of new political institutions provides potential opportunities for gender concerns to be incorporated from the outset – in other words, to 'lock-in' new gender rules at the permissive phase of institutional emergence (see Waylen, 2017; Kenny, 2013; Chappell, 2016). However, institutionalist theory on design cautions against notions of coherence or the 'intentional designer'. Institutional design is primarily a political rather than a technical exercise and involves contestation and negotiation amongst 'carrying coalitions' (Goodin, 1996). The understanding is that new institutions comprise the aggregation of diverse interests, ideas and goals, and carry within their blueprints ambiguities and contradictions that need to be worked through in practice.

In questioning the promises, limits, and constraints of the inclusion of women and transformatory institutional innovation in wider change processes FI scholarship makes common cause with feminist IR and legal scholars addressing conflict resolution, peacebuilding, and political settlements (see, for example, Ní Aoláin, 2018).

Nested Newness: New Settlements as Embedded

We turn first to 'nested newness', and broader ideas about the embeddedness of institutions. Nested newness is a metaphor that captures the way in which the 'new' is

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embedded in time, sequence and its wider political, social and economic institutional environment. This influences the design of new institutions, and impacts upon subsequent institutional development and capacity. The insight is that no institution – however new or radically reformed – is a blank slate: the capacity for new paths is profoundly shaped by its institutional environment, no matter how seemingly dramatic the rupture with the past (Mackay, 2014: 552). As such, political settlements, including new gender rules and reforms, are nested temporally in terms of legacies and path dependencies as well as spatially and structurally in terms of institutional environment and ongoing interactions with other institutions at multiple levels (Chappell, 2011; Mackay, 2014). Feminist institutionalism adds a gender lens, arguing that institutional legacies and wider environments must also be understood as gendered with gendering effects. In this respect, institutionalised gender norms and practices – or gender regimes – are important dimensions of analysis. There are complex interconnections between different sorts of institutions over time and space, including social institutions such as the family and organised religion. These interactions shape gendered patterns of advantage and disadvantage (Burns, 2005: 139) in that change in one institutional arena may be reinforced or confounded by the effects of other institutional arenas. This illuminates the difficulties encountered in embedding gender reforms (Chappell, 2016; Mackay, 2014).

Interplay Between Formal and Informal Institutions

Institutionalist approaches, including FI, confer equal status on formal institutions (such as laws and rules) and informal institutions (such as norms and practices) as factors for explaining political outcomes. Helmke and Levitsky (2004: 727) define informal institutions as "socially shared rules, usually unwritten, that are created communicated and enforced outside of officially sanctioned channels", whereas formal institutions are "rules and procedures that are created, communicated and enforced through channels widely accepted as official."   The informal rules of political life are difficult to research but "can be every bit as important in shaping actors' behaviour" as formal laws and policies (Lowndes, 2018: 61).

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Informal gender institutions include masculine and feminine norms, and daily gendered practices that maintain hierarchies of status and domination, and reproduce expectations about 'appropriate' men's and women's capacities, behaviour and roles. For FI, these are central to shaping political processes and outcomes. Both formal and informal institutions actively construct and reproduce gender relations, hierarchies and ideologies (see, for example, Acker, 1992; Duerst-Lahti and Kelly, 1995, Duerst-Lahti, 2002), and have gendered effects including in terms of who has political capital in both symbolic and material terms (Bjarnegard, 2013), *how* and *what* resources are distributed, and to *whom* and by *whom* (Chappell and Waylen, 2013).

Informal political institutions (including patronage, paternalism, clientelism, standard operating procedures, unwritten conventions and so on) can work in several different ways. They may arise (or survive) to reinforce formal institutions (for example through completing or coordinating between different institutions) or to compete with or subvert them (for example through distorting, undermining, or even trumping, the formal rules), or something in between (Levitsky and Slater, 2011; Chappell and Waylen, 2013; Waylen, 2014). They may sometimes only be observed in their breach (Azari and Smith, 2012). Enforcement is a central element of institutions - whether formal or informal - with the use of both positive and negative sanctions in their functioning (Azari and Smith, 2012; Chappell and Galea, 2017; Waylen, 2014). In contrast to official sanctions and legal punishments, the enforcement of informal institutions more often takes the form of informal mechanisms such as shunning, social and peer pressure, marginalisation and stigmitisation, intimidation and violence.

Informal institutions can, therefore, hinder or enhance the implementation of formal rule changes. Whilst the weight of empirical evidence suggests that informal institutions tend to work to dilute or subvert reform, especially reforms that challenge the gendered status quo, it is important to retain a dynamic conception of interaction effects. Informal institutions are not static or merely a 'hangover' from the past; theoretically they may prefigure formal change; they may arise to support formal rule changes, as well as the possibility that new rules may shape and modify informal institutions (Beyer and Annesley, 2011; Chappell and Waylen, 2013; Waylen, 2014, 2017).

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Gendered Logic of Appropriateness

The dynamic inter relationship between formal and informal can also be understood through the concept of *institutional logics*. Institutional logics provide the organising principles, lexicon of motivation and action, and the overall framework for sense-making in a specific institutional arena. A combination of formal and informal institutional rules, norms, and practices operate to create a specific "gendered logic of appropriateness" (see Chappell, 2006). For example, work on bureaucracies shows the norm of bureaucratic neutrality is deeply gendered, in terms of its cultural association with specific forms of masculinity, which disadvantages women – and men – who do not live up to the dominant norm. It is also the case that the more the norm of 'neutrality' is embedded in institutional logics, the harder it is for reformers to advance what will be perceived as 'biased' – and therefore 'inappropriate' – claims of gender equality (Chappell, 2002, 2006).

Gendered institutional logics have two key effects. First, they prescribe 'acceptable' masculine and feminine norms and forms of behaviour within institutional arenas, as well as proscribing or sanctioning that deemed unacceptable. "At the heart of gendered logics of appropriateness in political life is the coding of public authority, and political presence and agency, as culturally masculine" (Chappell and Mackay, 2017: 29). Political institutions embed gendered values and rewards, most notably the symbolic association of men and masculinity with the practices of control and authority, and the devaluing of the beliefs and practices culturally and historically associated with femininity, for example empathy and cooperation. Institutional logics also set boundaries, for example, deciding on appropriate jurisdictions, and influence political outcomes, including reinforcing (where the fit is good) or undermining (where it is not) institutional innovations and new formal rules.

Institutional logics can operate at the level of 'common sense' and taken for granted-ness, as well as providing discursive or framing resources around which coalitions of actors can mobilise. Whilst there will be a dominant logic in any given institutional context, it is important to recognise this will co-exist with other alternative and

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subordinate logics, providing the opportunity for contestation, and, potentially, change over time.

Gendered Actors Working with Gendered Rules

Institutions are the outcome of "deliberate political strategies, of political conflict, and of choice" by actors (Thelen and Steinmo 1992: 10). Institutionalist approaches stress the ways in which institutional rules (including gender norms) shape the types of actors that can "emerge and *thrive* in any context, and the extent of reform possible" (Mahoney and Thelen, 2010: 28, emphasis added). Although actors' agency is constrained, nonetheless it is actors who instantiate new settlements through the institutional work of interpreting, adapting, contesting or reinforcing rules in their daily practice; and these actors are *gendered.* As Gains and Lowndes note, "actors occupy male or female (or trans) bodies, their values and attitudes reflect different positions on a masculine/feminine spectrum and they hold different perspectives on the gender power balance and possibilities for change (in the context of intersectional identities)" (2014: 528-529). Institutions provide resources as well as constraints for creative and strategic institutional actors. We thus need to be attentive to the institutional work of actors. This highlights the importance of examining how *gendered* institutions are enacted and put into practice in the post-design phase by *gendered* actors using formal and informal rules and norms, and combining new and old institutional elements.

Our argument is that, taken together, these concepts provide a means to understand the disjuncture between, on the one hand, a positive correlation between power-sharing settlements and formal rules for the inclusion of and provision for women, and, on the other hand, mixed outcomes in practice. In the following section we discuss the cases of Bosnia and Herzegovina, Northern Ireland, and Burundi through the prisms of *nested newness*, *formal and informal institutional dynamics*, *gendered logics of appropriateness*, and *gendered actors*.

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Bosnia and Herzegovina

Peace Agreement

The 1995 Dayton Peace Agreement brought an end to a war in Bosnia that had claimed the lives of an estimated 100,000 people and left more than 2 million displaced. The absence of women from the negotiations leading up to the pact, signed between representatives of Bosniak, Croat and Serb forces, was notable (Deiana, 2016) and contributed to international concerns that coalesced into the WPS lobby for UNSCR 1325.

Power-Sharing

The settlement put in place a rigid and ethnicised form of consociational power-sharing between the three 'constituent peoples', Bosniaks, Croats and Serbs – a model of 'corporate' consociation (McCulloch, 2014). Territorial autonomy was granted to each of these groups by establishing a weak central state and two sub-state federal entities with considerable autonomy: the Serb-majority Serb Republic (Republika Srpska; RS) and the mixed Bosnian-Croat Federation of Bosnia and Herzegovina (FBiH), the latter further decentralised into ten cantons, eight of which feature Bosniak or Croat majorities (Bieber, 2006). The system provides for proportional representation of groups through elaborate ethnic quotas for positions in executive, legislature and public administration (Keil, 2013) and features extensive veto rights for each group over legislation affecting their perceived vital national interests (McEvoy, 2015). Delegates are elected to the state lower house of parliament through a Proportional Representation (PR) open party list system (a reform introduced for the 2000 elections before which lists were closed) (Bieber, 2006: 95) with a 3% threshold for entering parliament, and two thirds elected in FBiH and one third in the RS. International actors are also accorded a central role in governance, primarily through the Office of High Representative (OHR), which wields extensive legislative and executive power (McCulloch, 2014).

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Political Actors and Dynamics

The practice of politics within these institutions is marked by ethnic polarisation and dysfunction. Ethno-national parties continue to dominate and advance divergent constitutional aspirations, with Bosniak parties seeking greater state centralisation while Serb and Croat actors push for greater territorial autonomy through a strengthened Serb Republic and the creation of a third Croat entity. Governance has been prone to instability and blockage with extensive use of the veto by ethnic actors, not least Serb parties (Bahtić-Kunrath, 2011), and ethno-national clientelism and patronage form distinct features of political life (Grandits, 2007; UNDP, 2009). From its creation, the Dayton system has been criticised for its dysfunction, entrenchment of ethnic division and discrimination against non-constituent peoples. Indeed, the European Court of Human Rights has now ruled against the state of BiH on three occasions for not extending equal rights to those who do not identify as Bosniak, Croat or Serb (as well as members of these groups residing in the 'wrong' entity under electoral rules) from contesting elections to the state presidency and upper house (Agarin et al., 2018; ECHR, 2018). Yet, internationally-brokered attempts at constitutional reform to address these flaws have thus far failed, most notably in 2006 when parties could not reach agreement on the 'April Package' (Belloni, 2007). Against this backdrop, a Stabilisation and Association Agreement (SAA) was signed with the European Union in 2008 and activated in 2015 but progress towards accession has been slow.

Gender Provisions

Dayton enshrined several international human rights treaties and conventions, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms. The international Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was carried over from the former Yugoslav Republic. The Dayton Agreement was signed five years before the passage of UNSCR 1325, and it did not include specific provisions to tackle the gendered dimensions of transition or ensure women's participation in the peace process (McCulloch and Byrne,

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2017; Deiana, 2016. Feminists argued that the internationally-brokered peace was not 'gender-just' (Björkdahl, 2012).

Nevertheless, some significant gains have been secured in the post-Dayton period in terms of formal gender rules. The 2003 Law on Gender Equality introduced gender quotas for elections and established a government agency for Gender Equality in 2004. Other significant initiatives in the intervening years have included the first National Action Plan (NAP) on the implementation UNSCR 1325 in 2010 and the establishment of gender centres in both entities in 2001 (McCulloch and Byrne, 2017).

Gender Outcomes

The post-settlement reality for women has been challenging, and women's descriptive and substantive representation in Bosnia remains relatively poor. Women made up 21% of the lower house and 13% of the upper house of the national parliament in the 2014-2018 legislative period. However, politics remains highly ethnicised with issues of ethno-national identity dominating the agenda, and ethno-national parties prevailing at the ballot box. Parties are highly centralised and deeply patriarchal and women remain largely excluded from positions of power and leadership (Byrne and McCulloch, 2012).

There have been few tangible results from the National Action Plan for the implementation of UNSCR 1325, despite commitments to protecting human rights of women and girls including victims of war, and those subjected to trafficking. International monitors have raised concerns about the inadequate definition of wartime sexual violence in BiH law, which remains at odds with the definition set internationally, and the lack of measures taken to address the 'systematic stigmatisation' faced by women victims of wartime sexual violence, despite the formal implementation of the 2008 national war crimes prosecution strategy (CEDAW, 2013a: 3). Concerns have also been expressed about the low participation of women and women's civil society organisations in ongoing peace, reconciliation and rehabilitation processes (CEDAW, 2013a). It appears that a decade and a half on from the adoption of UNSCR 1325, there has been little institutionalisation of its values in Bosnia (McCulloch and Byrne, 2017).

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Shortfalls in the implementation of gender equality provisions have been identified as resulting in part from limited cooperation between existing gender equality bodies and relevant ministries at all levels, poor coordination between gender entities, and inadequate resources (CEDAW, 2013a). Women remain economically disadvantaged despite laws prohibiting discrimination, and occupational segregation is rife (World Bank et al., 2015). In 2016, Bosnia was reported to have the largest gender pay gap in Europe (Hadziristic, 2016).

The picture that emerges of the Bosnian case is thus one of exclusion from framework peace agreement; subsequent feminist agency in the post-settlement and post-1325 phase to secure new formal gender institutions and rules; but with poor outcomes for women's political inclusion in practice and poor institutionalisation of WPS norms in a substantive sense.

FI Analysis

Nested Newness

If we apply an FI lens to the Bosnian case study then, we see firstly the *nestedness* of new institutional arrangements within wider intersecting systems. Reforms such as gender quotas are nested in formal and informal rules of power-sharing. They sit within pre-existing practices of ethno-national party competition, conventions of party hierarchy and ethno-national patronage and clientelism – each of which is exacerbated, or facilitated, by the heavily decentralised consociational structures that grant parties a great deal of autonomy. New formal gender rules are furthermore nested within liberal peace building, which prioritises elite pacts and neoliberal economic reforms which undermine formal commitments to inclusion or gender equality. Furthermore, the heavy international intervention in Bosnia has been a double-edged sword. The international community has been observed to legitimise and incentivise ethnic framings, thus marginalising other forms of identity and mobilisation (McCulloch and Byrne, 2017; Belloni, 2007: 112).

The internationalisation of the post-war state has also seen an 'NGO-isation' of civil society that has been observed to co-opt the women's movement and stifle the

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development of the grassroots feminism (Helms, 2013: 115). This effect has the potential to obstruct the pipeline of progression for women from movement to political party and thus the formal political sphere.

Interplay Between Formal and Informal Institutions

Second, the case of Bosnia demonstrates the *interplay between formal and informal institutions*. In Bosnia, the significant territorial decentralisation under the Dayton power-sharing system gives ethno-national parties a great deal of control over 'their areas'. This creates a permissive environment for clientelism and allows for it to be used as a tool of deterrence and intimidation against any kind of political mobilisation that disrupts the ethno-national status quo. Clientelism is an informal political institution – and socio-political hierarchy - which involves the exchange of resources and benefits between powerful patrons (politicians, government ministers, elite power brokers) and subordinate 'others', i.e. clients (members or lesser officials in political parties and other political and state structures; voters, especially with regional or ethnic links). Benefits such as positions, financial and other sorts of resources might be exchanged in return for political loyalty and support, including votes (Stokes, 2009). Closely related to this informal institution of political organisation is neopatrimonialism, where state resources are used to secure loyalty and for personal gain, and the division between public and private is blurred. In such systems, formal positions of power may be undermined by a shadow hierarchy of influence and connection (de Walle, 2005).

Considerable party autonomy and the centralisation of power interacts with existing gender regimes of male dominance to create patriarchal parties and governmental arenas in which power is centralised and women further removed from positions of power. We also see a clash between some formal gender rules and the formal and informal rules of power-sharing that prioritise ethno-national identities. For example, the National Action Plan on UNSCR 1325 makes commitments to protecting human rights of women and girls including victims of war. Yet, at the same time there are gaps in legislation on the status of survivors of wartime sexual violence. According to Deiana (2016: 103) the practice of power-sharing has reproduced the gender order and has failed to address gender as a salient issue in the conflict.

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Gendered Logic of Appropriateness

Third, the Bosnia case stands illustrative of the *gendered logic of appropriateness.*
According to FI, gendered logics of appropriateness prescribe and proscribe what is
acceptable for gendered actors in politics (Chappell, 2006). In the post-Dayton political
context, attempts to assert gender identities and gendered needs are seen as
inappropriate, and are thus marginalised at the expense of matters relating to relations
between the ethno-nationalist groups, security concerns, and the stability of institutions
(Deiana, 2016: 99). Sanctions are applied to those who challenge the informal rules of
the game, i.e. the ethnicised and masculinised status quo. Deiana demonstrates how
feminist actors who highlight the link between the ethno-national status quo and
gender inequality are portrayed as 'traitors' to the national cause (2016: 105).

The logic also helps to explain the tendency for women's organisations in BiH to frame
their activities as removed from the 'dirty' and masculinised world of politics. Helms
describes how women's NGOs such as Srcem do Mira (Through Heart to Peace) and
Zene s Podrinja (Women of Podrinja), despite engaging in fundamentally political work
relating to ethnic reconciliation and refugee return, frame their activities as
humanitarian and *apolitical* (Helms, 2003: 25). This representation also aligns with
essentialist notions of women's roles as mothers, caregivers and peacemakers (Helms,
2013); as is also propagated by international donors (Helms, 2003: 15). Helms argues
that while this apolitical discourse allows women to stake a legitimate space in the
public arena and access power indirectly, it has also contributed to a disconnect
between women's activism and the formal political sphere (2007: 252-253; 2013: 118),
and hence to their marginalisation from the real political power.

Gendered Actors Working with Gendered Rules

Finally, the post-Dayton Bosnian case draws attention to the *role of actors.* New
institutionalism and FI see actors in this sense as constrained but also creative. This is
evident in the Bosnian case in the use by local elites of institutional logics and discursive
strategies to delegitimise and discourage women's political ambitions, and the activism
of women's civil society. It emerges furthermore in the work of domestic and

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international actors to maintain the gendered status quo in the name of stability, including the deprioritisation of formal gender provisions. An example of this effect was the scrapping of the 'Adviser on Gender Equality' position by the OHR in 2001. Indeed, according to McCulloch and Byrne (2017), the OHR failed consistently to prioritise gender issues in the post-Dayton phase.

Nevertheless, we also see the creative agency of women's civil society activists in seizing the WPS agenda and exploiting cooperation with the international community to secure gains and to make new formal rules, for example, the Law on Gender Equality. We see an invoking of the formal rules and a calling to account of elites. McCulloch and Byrne (2017), describe how feminist activists have worked to "fill in the blanks" left in the Dayton peace deal with respect to WPS, through the development of an institutional framework for the pursuit of gender equality, the implementation of a gender perspective and the inclusion of women in public political life. A further example is the 2013 women's caucus in the Federation entity parliament, the first cross-party parliamentary caucus in BiH, which was facilitated by US AID.

The presence of international organisations and donors has affected women's mobilisation strategies, with women's NGOs able to appeal to transnational actors to assert international pressure against national governments to enforce human rights norms (McCulloch and Byrne, 2017), in classic instances of the 'boomerang' strategy (Keck and Sikkink, 1998). Actors are thus both constrained and empowered by the wider international context and their connections with the international community.

Northern Ireland

Peace Agreement

After some 30 years of conflict in which more than 3600 were killed, a peace process involving most of the main political parties and the UK and Irish governments led to the signing of the Good Friday Agreement (GFA)/Belfast Agreement in 1998. Women secured a small but significant presence in the peace negotiations that led to this settlement, primarily in the shape of the Northern Ireland Women's Coalition (NIWC). This cross-community women's party came into being in 1996 on the eve of the all-

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party peace talks, the Northern Ireland Forum for Political Dialogue, with the sole purpose of influencing the negotiations and resulting pact and, thanks in part to the use of a PR list system with regional top-up, secured two elected representatives to the Forum.

Power-Sharing

The GFA was distinctly consociational in nature (Horowitz, 2002: 194), establishing a devolved Northern Ireland Assembly and Executive in which power would be shared between the main parties, effectively between nationalist and unionist representatives. Members are elected to the Northern Ireland Assembly through the PR- Single Transferrable Vote (STV) system and seats in the Executive allocated through d'Hondt, a sequential system based on party strengths in the Assembly and open to all parties. While the system represents a more 'liberal' form of power-sharing than Bosnia or Burundi's corporate forms, where the power-sharing partners are not defined in ethnic terms but determined by the electorate (McGarry and O'Leary, 2009: 71; McCrudden et al., 2013: 235), it entails distinct corporate elements (Nagle, 2011). Members of the Legislative Assembly (MLAs) are required to designate on entering the Assembly as nationalist, unionist or other. This rule is designed to ensure ethnic community guarantees, with certain Assembly votes requiring the support of 'parallel consent' or a 'weighted majority' - 60% of members overall, plus 40% of nationalist and unionist blocs respectively. Such a vote can also be triggered by a 'petition of concern' signed by 30 MLAs (Standing Orders of NI Assembly, 2013) – providing for an effective community veto. Revisions have been made to these structures through a number of subsequent agreements, most notably the 2006 St Andrews Agreement and more recently the 2014 Stormont House Agreement and 2015 Fresh Start Agreement.

Political Actors and Dynamics

In practice, power-sharing in Northern Ireland has had a mixed record in terms of stability and democracy, marked by ethno-nationalist polarisation and dysfunction. At the time of writing (November 2018), Northern Ireland has been without a devolved government since January 2017.

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After a shaky start marked by instability centring on peace and security disagreements, the settlement was stabilised through the 2006 St Andrews Agreement, and Northern Ireland experienced 10 years of uninterrupted power-sharing. Recent developments have seen a return to instability and polarisation, with the institutions suspended since January 2017 following a dispute between nationalist and unionist power-sharing partners, Sinn Fein and the Democratic Unionist Party (DUP), ostensibly over a scandal relating to the operation of a renewable heating scheme in which the latter was engulfed. The fallout was further underpinned by unresolved issues relating to identity, legacies of the conflict, and broader human rights and equality.

In this latest crisis, the UK government has been reluctant to impose Direct Rule from Westminster and has instead allowed the governance of Northern Ireland to continue in a state of ambiguity, with civil servants running public services without a functioning political executive or oversight from Westminster, except in limited instances.

Nationalist and unionist parties predominate in Northern Ireland and the last ten years have seen a narrowing of the scope and vision of the peace process, with more recent agreements focusing on the two largest parties and showing less regard for inclusion, or broader human rights and equality agendas, including gender equality (Rouse, 2016). Furthermore, several equalities and human rights issues have become subject to ethnic contestation and have been reframed by ethno-national parties as partisan issues, with matters such as marriage equality becoming enmeshed in 'orange and green politics' (Nagle, 2016b). The UK government has been unwilling to intervene, insisting such matters are for politicians in the devolved Northern Ireland institutions to decide.

Gender Provisions

While the GFA does not include provision for gender quotas, it does contain a number of human rights and equality provisions, including a commitment to "the right of women to full and equal political participation" and "the advancement of women in public life" (Belfast Agreement, 1998) granting, for the first time, recognition of women's right to political inclusion in Northern Ireland (Galligan, 2013: 413). The GFA also features a provision for a statutory obligation on public authorities to carry out all their functions with due regard to the need to promote equality of opportunity in relation to "religion

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and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation." (Belfast Agreement, 1998), a form of equalities mainstreaming. Indeed, the NIWC's influence on the peace talks and the resulting pact has been widely noted, particularly in the areas of equality and human rights, securing, for example, a commitment to the establishment of a civic forum, to a bill of rights and provisions for victims' rights (Fearon, 1999; Waylen, 2014).

As a constituent part of the United Kingdom of Great Britain and Northern Ireland, CEDAW applies in the jurisdiction. In terms of UNSCR 1325, whilst the UK government has developed three consecutive National Action Plans for implementing the resolution, these relate, exclusively, to foreign and international development aid policy. The UK government does not accept that Northern Ireland is a post-conflict country under international legal definitions and, therefore, it has deemed UNSCR 1325 on Women, Peace and Security not applicable to Northern Ireland (OHCHR 2013; Law and Grey 2014; WILPF 2013a).

Gender Outcomes

The post-settlement reality for women in Northern Ireland has been uneven. In the absence of legislative gender quotas, women's descriptive representation stood at just 14% in 1998, creeping up to 17% in 2003 and 2007 and 19% in 2011 (RaISe, 2015), although there was a substantial increase to 30% in 2017. The leaders of both main parties in the suspended Legislative Assembly are women, which represents a considerable symbolic break with the past.

Spaces for women's participation - that may open up during peace processes - often close down in the post-agreement period as politics returns to its conflict dynamic, and ethno-national party competition resumes. Indeed, the trajectory of the NIWC stands illustrative of this effect. New institutions granted gender actors a window of opportunity, as the Coalition secured two elected representatives to the 1996 Forum, under a conducive PR list system with regional top-up, and it proceeded to exert a considerable impact on the negotiations and agreement. It subsequently managed to win two seats in the first NI Assembly in 1998, under the less inclusive Single

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Transferrable Vote (STV) form of PR. The formal rules of the power-sharing institutions, such as the designation rule, and the informal dynamics of ethnic party competition and discourse therein, faced the party with significant structural constraints and made it difficult for it to sustain its position and pursue its distinct form of politics (Murtagh, 2008). The party lost all of its seats in the subsequent elections in 2003 and disbanded in 2006 (Murtagh, 2008).

Furthermore, Rouse describes a "gendered pattern of attrition" in the case of the implementation of the gender and human rights provisions of the GFA. By way of illustration she points to the Civic Forum, an initiative put forward by the NIWC in the peace negotiations that was provided for in the agreement and established in 2000 but functioned only for a brief period before being suspended with the devolved power-sharing institutions in 2002 (Rouse, 2016). Likewise, 20 years on from the Agreement, a consensus between nationalist and unionist parties has not been reached to pass a Bill of Rights for Northern Ireland.

When it comes to substantive representation, Northern Ireland stands well apart from the rest of the UK in terms of gender policies. Access to abortion is highly restricted (Thomson, 2016, 2018). Unlike other parts of the UK, the 1967 Abortion Act does not extend to Northern Ireland. Currently, a termination is only permitted in Northern Ireland if a woman's life is at risk or if there is a risk of permanent and serious damage to her mental or physical health. It is otherwise outlawed even in cases of rape, incest and fatal foetal abnormalities. There has been little effort to consider legal reform despite international criticism including from the CEDAW Committee (CEDAW 2013b), and pressure from women's rights activists which has intensified after the successful 2018 Referendum in the Republic of Ireland to liberalise its own strict laws on abortion (Thomson 2019).   Northern Ireland also stands as the only part of the UK and Ireland where same sex marriage remains illegal.

Beyond the formal political arena (currently suspended) women's participation in ongoing post-conflict and peacebuilding processes has been uneven. Pierson reports that women remain under-represented in other formal forums to discuss issues of conflict legacy and ongoing contested community issues, such as the 2016 Flags,

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Identity, Culture and Tradition Commission which comprised 14 men and only one woman (Pierson, 2018a, 2018b).

FI Analysis

Nested Newness

New institutions and norms are nested within pre-existing and ongoing dynamics of ethno-national politics as well as wider contexts, such as the priorities of the UK and Irish governments. Whilst norms of gender equality have purchase amongst key external stakeholders, the WPS agenda itself is not without controversy. For example, the UK government has declined to include NI in its 1325 National Action Plans, despite repeated recommendations by the CEDAW Committee (CEDAW, 2013b; Law and Grey 2014; OHCHR 2013).

Stability – or the promise of stability – is paramount and this has squeezed gender issues from the agenda in the polarised post-GFA environment, and subsequent suspensions of power-sharing. For example, we see the failure to resurrect the Civic Forum following its suspension in 2002. In addition, each new round of talks and negotiations and agreement since 1998 has proven more exclusive and focused on the main parties at the expense of smaller parties (including civic parties) and civil society, including women's organisations.

The UK's decision to leave the European Union after the 2016 'Brexit' referendum risks disrupting constitutional settlements within the UK, and has destabilised the UK's relationship with the Republic of Ireland, its key partner in the GFA. However, in this context, the issue of the Irish border predominates and all other agendas have been rendered secondary. The Conservative minority government's reliance since 2017 on the electoral support of one of the Northern Ireland political parties (the socially conservative and unionist DUP) further constrains the potential for political reforms or progress on women's rights and gender equality.

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Interplay Between Formal and Informal Institutions

Turning to the interplay between formal and informal institutions: new gender rules and norms exist within broader institutional architecture that privileges and enshrines ethno-national identity. For example, the rules of the Assembly require members to designate as nationalist, unionist or 'other', and it has voting procedures where in certain key votes the votes of 'others' do not count. Gender reform actors such as the NIWC seized the window of opportunity that institutional restructuring and new institutions presented, and made claims that in many ways prefigured the WPS agenda. However, over the longer haul, and in the daily instantiation of the power-sharing institutions the NIWC found themselves in many ways marginalised by the formal and informal rules of the consociational system, such as the formal designation rules, and informal practices that result in polarisation and instability.

Whilst clientelism is not as pronounced as in BiH and Burundi, 'cronyism' and links between political parties and ethno-nationally aligned organisations are significant issues in Northern Ireland politics. These dynamics have been illustrated by the above-mentioned heating scheme which implicated the DUP leader in a corruption scandal, precipitating the collapse of power-sharing in 2017. Likewise, controversy erupted in 2016 when it emerged that a significant proportion of a public funding scheme (the Social Investment Fund) intended to support socially deprived communities had been allocated to an organisation headed by the leader of a loyalist paramilitary group (Gordon, 2018). The latter has clear implications for deprioritisation of non-ethno-national issues, including gender equality, as also indicated by the gradual closure of Belfast's only rape crisis centre following the withdrawal of government funding (McKay, 2018).

The Gendered Logic of Appropriateness

Power-sharing institutionalises ethno-nationalism and the logics of appropriateness that come with it, for example, loyalty to the national cause; traditional notions of gender roles; and powerful ideas of women serving the nation (Nagle, 2016a: 166; Murtagh, 2008: 32, 35). Danielle Roberts's work on Protestant/Unionist/Loyalist

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women finds women can be accommodated in politics but they must be a certain type of woman, relating to traditional archetypes such as mother, church goer and so on (Roberts, 2017). Whilst political culture remains 'macho', in terms of its aggressive posturing, casual misogyny, and its prioritisation of ethno-masculinist values and agenda, the presence of female leaders does potentially present a challenge to the dominant institutional logic of who should wield political power.

Kennedy et al. (2016) note the difficulty in mobilising on gender issues in a climate in which political mobilisation must be framed within the 'appropriate' discourse of ethno-nationalism and women's interests are secondary. As Pierson (2018a) notes, many gendered issues such as gender-based violence either have become sectarianised or marginalised which, either way, diminishes the prospects for effective cross-party political action.

Power-sharing also brings the logic of the primacy of stability. In Northern Ireland, equalities issues like marriage equality, abortion and gender based violence are recast as partisan issues by ethno-national elites and therefore treated as potential destabilising t the peace process, including by actors such as the UK government (see Thomson, 2016, 2019). According to Rooney and Swaine (2012), intersectional issues such as women's experiences of discrimination (for example the interplay between gender, poverty and religion) are being increasingly organised out of politics. Women's organisations self-censor, in that they consciously avoid raising such concerns for fear that they will be deemed partisan by elite ethno-nationalist actors, and risk losing their funding.

The gendered logic of appropriateness also enables processes of essentialisation and depoliticisation of women in post-settlement discourses, where they often find themselves represented as peacebuilders and inadvertently confined to the informal sphere and isolated from sites of real political power (Nagle, 2016a: 165; Ní Aoláin, 2018: 6).

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Gendered Actors

In terms of agency, we see various actors, including political elites in Northern Ireland, involved in framing contests, for example in the presentation of transformational policies such as reproductive rights as both secondary to ethno-national priorities and destabilising to peace and security.

We have also seen the role of actors like UK Government who have taken an increasingly hands off approach in recent years, including during the current period of constitutional impasse, after Sinn Fein and the DUP failed to broker the power-sharing agreement necessary to restore government at Stormont.

As noted earlier, Northern Irish politics is currently operating in a limbo with power-sharing suspended but no formal Direct Rule from Westminster; a context in which civil servants are exercising considerable power. Bureaucratic discretion has seen a further deprioritisation of gender equality and human rights, as a tension is seen to exist between such measures and community good relations.

Whilst actors are constrained by the rules, there has been some creative navigation. One example is that of the NIWC in 2001, when they temporarily redesignated their MLAs, one to the nationalist grouping, and one to the unionist grouping. In doing so, their votes helped to reinstall the First Minister and Deputy First Minister and save Stormont from collapse. Women's civil society organisations have also employed classic 'boomerang' strategies appealing to transnational actors to assert international pressure, for example the CEDAW Committee has exerted pressure on the UK government to extend its 1325 Action Plan to include Northern Ireland (CEDAW, 2013b; Law and Grey 2014); and women's rights activists and feminist politicians in Northern Ireland and mainland Britain have worked together to lobby for abortion reform (Thomson 2019).

Thus, the Northern Ireland case demonstrates the barriers women face within post-conflict power-sharing structures, but also the creative agency they can wield in this framework and their capacity to seize opportunities therein.

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Burundi

Peace Agreement

The Arusha Accords signed in 2000, after two years of negotiations, provided the blueprint for the end of civil war that had been waged between Hutu and Tutsi forces in Burundi since 1993. Women's organisations, who had mobilised on a multi-ethnic basis to lobby for peace during the conflict, demanded representation in the peace talks. The negotiating elites eventually permitted seven women observers to attend the talks, in which capacity they were able to follow the negotiations, lobby political leaders and report back to the women's movement (Falch, 2010). As part of lobbying efforts, and as a means of highlighting women's perspectives, an All-Party Burundi Women's Peace Conference was convened a month before the signing of the peace accord with the help of international bodies such as UN Development Fund for Women (UNIFEM) and the UN High Commission for Refugees. Whilst late to the process, and with no formal status, several of its recommendations were subsequently adopted, as noted below (Byrne and McCulloch, 2012: 574; Tripp et al., 2009).

Power-Sharing

The Arusha Accords guaranteed representation in state institutions to Burundi's various ethnic groups and provided the model for a broad-based coalition government. This paved the way for democratic elections and the drafting of a new constitution in 2005. The constitution was clearly corporate consociational in form, mandating the sharing of power between the main ethnic groups, Hutus (comprising approximately 85% of the population), Tutsis (approximately 14%) and Twa (approximately 1%). This included a grand coalition presidency where the two Vice Presidents must come from different groups (Vandeginste, 2017a: 170, 2009) and a guaranteed 60:40 representation ratio of Hutu and Tutsis respectively in the National Assembly and Council of Ministers, and 50:50 in the Senate, through an electoral system that mandates multi-ethnic electoral lists (McCulloch, 2014: 55; Vandeginste, 2017a: 169, 2009). National Assembly members are elected by proportional representation from closed multi-ethnic party lists for each of the 18 provinces with a 2% threshold for entering

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parliament. This electoral system also mandates multi-ethnic electoral lists from parties, whereby lists are 'zipped' so that for every three candidates only two can be from the same group, failing which, a process of co-optation is triggered (McCulloch, 2014: 55), while electoral laws are in place to ensure parties are multi-ethnic in composition (Nindorera, 2012; Vandeginste, 2017a: 167).

The Arusha Accords also enshrined the principle of ethnic parity in the security forces, and subsequent agreements provided for the integration of rebel forces into the army with the support of the international guarantors, including the UN and South Africa (International Crisis Group, 2017).

The Burundi case was widely praised internationally in its first decade as an example of effective institutional engineering to address ethnic conflict and to promote inclusive dialogue and consensus, and non-violent politics (Vandeginste, 2017b: 11-12).

Political Actors and Dynamics

In practice, however, this "rare and sophisticated form of consociationalism" (Le Marchand, 2007, cited by Vandeginste, 2017b) has been marked by severe immobilism, one-party dominance and 'authoritarian drift' (McCulloch, 2014: 50). Burundi's power-sharing system, which places parties centrally, has been prone to clientelism and patronage (Vandeginste, 2017a: 184), in some cases leading to the creation of shadow structures that bypass the formal power-sharing institutions and regulations.

President Pierre Nkurunziza, formerly a leader of a Hutu rebel group, and CNDD-FDD, a former Hutu party which now presents itself as multi-ethnic, have dominated Burundi politics since the first elections of 2005 (Vandeginste, 2017a: 181), and have gradually tightened their grip on political power and state institutions. The run up to the 2010 elections were marked by an upsurge in political violence, and the elections were boycotted by opposition parties claiming they were a 'sham'. By 2015, Burundi's standing in the Freedom House index had declined from 'partly free' to 'not free', triggered by President Nkurunziza's controversial decision to stand for a third term, and increased state repression and violence in response to escalating instability and political protest (Guariso et al., 2017). The future of power-sharing has been placed

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under considerable pressure by these developments and by proposals to revise key elements of the constitution (Guariso et al., 2017; Horowitz, 2014: 18; Vandeginste, 2017a: 171-173).

By February 2018 the UNHCR estimated that 428,000 people had fled the country, and the Burundi state and other actors faced multiple investigations for alleged human rights abuses, including crimes against humanity (Human Rights Watch, 2018).

Gender Provisions

Burundi represents a case of rigid, corporate power-sharing that features extensive institutional guarantees for women alongside ethnic groups. Quotas are deeply embedded in Burundi's corporate consociational structures, and the constitution also contains provisions for quotas for women alongside those for Hutus and Tutsis in the executive and legislature, with, a requirement that women make up a minimum of 30% of deputies to the National Assembly, Cabinet and the Senate (Women and Peace Agreement Database; Vandeginste 2017a). In practice this means electoral lists are zipped on the basis of both ethnicity and gender: of the top three candidates on the electoral list, only two can come from the same ethnic group, while of the top four candidates, at least one must be a woman (Vandeginste, 2014: 268), failing which, a process of co-optation is triggered (McCulloch, 2014: 55). This contrasts with the post-conflict architecture implemented in neighbouring Rwanda where gender provisions sit within a system where ethnicity is not constitutionally recognised, with quotas in the national legislature for gender (minimum 30% women's representation), youth and disability but not for ethnicity (Vandeginste, 2014: 274; quotaproject.org).

In addition, the 2005 Constitution enshrined equality for all before the law, as well as outlawing gender-based discrimination, building on the transitional National Gender Policy (2003). Despite important constitutional and legal provisions, there remained significant gaps in the constitutional framework to confer women's rights around inheritance, land reforms, nationality and to address gender-based violence.

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Gender Outcomes

The post-settlement reality for women has been mixed. In practice, the quota provisions have translated into relatively high descriptive representation for women, with 32% of delegates elected to parliament in 2010 and 36% in 2015 being women, compared to just 10% in 1993 (Guariso et al, 2017: 8; quotaproject.org). Women comprised 46.2% of the Senate in 2015. They also held an average of 31% of cabinet positions from 1996-2016 (Guariso et a.l, 2017: 8).

In the run-up to the 2010 elections, the adoption of a strengthened electoral law established a 30% quota for representation of women at the level of communal councils. However, the absence of a quota for women at the *colline* level (the most local level of government) remains a serious impediment for women's participation, given evidence globally that local politics provides an important entry point for women. Without quotas, only 14% of *colline* council members and 4% of *colline* leaders in 2010 were women (UNDP, 2014).

It is also the case that, beyond numbers, elected women have limited influence within Burundi's political institutions and significant constraints diminish their opportunities to shape policy. Byrne and McCulloch observe that political and party culture in Burundi remain highly patriarchal, despite the substantial presence of women in politics (2012). On occasions women are obliged and expected to leave political discussions, in order to take care of their domestic duties (Falch, 2010: 15). Even when women are appointed ministers, they are more likely than their male colleagues to hold a ministry perceived as 'low-prestige', dealing with, for example, culture, sports, tourism or 'women's affairs' (Guariso et al., 2017: 8).

There has been significant capacity building and programming by international agencies and International NGOs around political participation and women's rights, and women's civil society movements have been mobilised and supported. However, the inclusion of women's civil society in post-conflict construction is not automatic, despite espoused commitments to the WPS agenda by Burundi and international agencies. For example,

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in 2006 Burundi was picked as one of the pilot countries for peacebuilding
programming by the new UN Peacebuilding Commission (and funded by the UN
Peacebuilding Fund). However, women's organisations – despite their long track record
of education and lobbying for peace – were initially excluded from the Joint Steering
Group (UNDP, 2014), and were not included until interventions from International
NGOs, such as the International Alert and the Working Group on Women Peace and
Security (Falch, 2010).

As noted above, despite some key gender provisions, many gaps remain. As a result of
lobbying, including by the organisation of Burundian female lawyers and jurists
(*Association des Femmes Juristes du Burundi),* legislation was introduced in 2009 to
provide legal sanctions for the perpetrators of violence against women. To date,
however, implementation has been weak. Meanwhile, draft legislation on inheritance
and women's land rights has been indefinitely stalled (Byrne and McCulloch, 2012:
574).

Women in Burundi, especially rural women, experience poverty, legal and customary
discrimination, limited access to education, the labour market and health care, and
endemic gender-based violence. Since the onset of the 2015 political and security crisis,
patterns of sexual violence and gang rape, perpetrated by members of the security
forces and pro-government *imbonerakure* youth are emerging and increasingly
ethnicised and targeted on opposition neighbourhoods (Alleblas et al., 2016; Human
Rights Watch, 2018). Many women's organisations, including those defending women's
rights, have been compelled to shut down, and activists have been forced into exile
(Alleblas et al., 2016; Human Rights Watch, 2018). Women have faced worsening
conditions and increasing insecurity and gendered vulnerabilities, including as refugees.

FI Analysis

Nested Newness

New institutions and norms are nested within pre-existing and ongoing dynamics of
ethno-national politics as well as wider contexts. As in BiH, we see the nestedness of the

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Burundi case in the wider international system, not only in the design of political
settlements, but also the promotion of international norms, including human rights and
gender equality. Different parts of the international system worked with political elites
on the one hand, and mobilised women's organisations on the other hand, leading to
striking disconnects. So, for example, the UN Peacebuilding Commission initially
omitted women's groups from steering its pilot programming. This was despite the
prominence of the WPS agenda internationally, and the advocacy work of gender
advisors within the UN system, and agencies such as UNIFEM, to mainstream gender
perspectives into the design and implementation of post-conflict reconstruction (UNDP,
2014).

As well as being embedded in wider international arenas, post-conflict power-sharing
institutions and actors were closely intertwined with older institutions of traditional
authority, control and influence.

Gender provisions also exist in a context not only of ethnic power-sharing but the
absence of democratic consolidation and stability, and presence of prevalent ethnic
clientelism, as outlined, and ethnicised violence - conditions hardly conducive to the
realisation of gender equal outcomes. Gains for individual women as politicians and as
electoral officials (for example on the independent electoral commission) take place at a
time in which the electoral arena has all but been abandoned by opposition groups, and
in a context of political violence and intimidation. The silo-ed nature of intervention
around women's political participation, where the emphasis is frequently on working
exclusively with women candidates on elections, means work fails to address the
broader politico-economic context (UNDP, 2014). Increasingly volatile politics,
especially post 2015, have played out in ways that have increased the insecurity of
women and heightened gendered vulnerabilities.

Formal and Informal Institutions

 The formal features of the post-conflict design, including the autonomy granted to
parties, has enabled informal institutions of patronage and clientelism to thrive,
including in the form of 'Big Man' politics (Arriola and Johnson, 2014) whereby alliances

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are built including through the conferment of high prestige positions. In turn, this further entrenches the power of male elites and their control over the policy agenda as well as reducing the opportunities for women to serve in high impact ministries. Women are *de facto* excluded from political party decision making positions.

As Guariso et al. argue gender quotas – designed for democratic systems – are introduced into regimes, including Burundi, that are *de facto* authoritarian, or drifting towards authoritarianism. "Although featuring the formal institutions associated with democratic regimes, the actual political power in these regimes is highly centralised in the executive, the actions of which are largely unconstrained by other branches of government." In this context, new formal rules such as gender quotas cannot influence policy, unless they apply to the informal rules operating at the "highest echelons of executive power (but they do not)" (2017: 2).

Many of the power-sharing provisions and institutions of the Arusha Accords-based constitution have been informally degraded by the ruling party (Vandeginste, 2017b: 12). This includes the gradual transformation of the dominant party's youth wing (*imbonerakure*) into a parallel agency *de facto* in charge of law and order. As Vandeginste notes, as an informal institution, the *imbonerakure* are not formally regulated by the ethnic power-sharing provisions laid down in the Arusha Accords and in the 2005 Constitution. As noted earlier, the *imbonerakure* has been implicated in the escalation of political violence and intimidation, including sexual violence and systematic rape with seeming impunity.

Gendered Logic of Appropriateness

 Burundian political party culture represents an ongoing barrier for women candidates and elected officials. In local culture, 'virtuous' women are not expected to speak in public and therefore risk social censure for perceived inappropriate behaviour. According to Ashild Falch's research, "political leaders are resistant to letting women speak up and engage in political discussions, and women party members often appear to be subordinate to their male colleagues" (Falch, 2010: 13). NGOs argue they "fight to be heard", and are not routinely consulted because of patriarchal cultural assumptions

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that women should not participate in public arenas (UNDP, 2014: 18). In other words, the logic of appropriateness in political life requires male dominance and female deference, whatever a woman's formal position or status. Indeed gender experts in UN agencies have recognised that the sensitisation strategies and training undertaken in the run up to elections has been, "inadequate for the scale of the task" (UNDP, 2014: 35). In terms of the deep rootedness of cultural stereotypes and logics of appropriateness, it is increasingly recognised that sustained work is required over the long haul.

With respect to the prioritisation of stability over transformation, we see this illustrated in the ruling party's stalling of legislation to reform land rights to enhance women's rights and livelihood, after fears from government elites that new rules might 'destabilise' the country (Byrne and McCulloch, 2012). This, in turn, has reinforced the power of traditional authorities who have filled the vacuum.

Gendered Actors

The Burundi case highlights a common trend in post-conflict contexts where politics is dominated by members of ex-combatant groups, the majority of whom are invariably men. We see the agency of male elites including party leaders and traditional power holders and also see the way that the ruling party elite has undermined the formal rules of power-sharing to maximise power.

Government elite actors may use the promotion of gender quotas to please donors, shore up legitimacy, and divert attention away from democratic backsliding and the erosion of power-sharing institutions. They may also use discourses of illegitimacy to discipline female politicians. Byrne and McCulloch note that the legitimacy of 'quota women' is contested, their positions represented as tokenistic, not least those elected through co-optation (i.e. where party leaders insert candidates post-election, in instances where the quota has not been met), while an expectation of compliance with male party leadership persists (2012: 574; see also Falch, 2010). This has had consequences for the legitimacy of women politicians, including their standing with women's civil society movement organisations (UNDP, 2014).

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Paradoxically, the espoused elite support for gender equality may have been used strategically by women's civil society to advance their agenda. Certainly prior to the crisis of 2015, they enjoyed greater freedom to advocate than did their human rights and good governance counterparts (UNDP, 2014), in the context of worsening state-civil society relations and increasing repression (Human Rights Watch, 2018).

The case demonstrates the importance of mobilised women's groups as gendered actors exercising agency at key points in the process of conflict resolution, transition and beyond, and the effectiveness of appeals to international actors to support their efforts at inclusion. Time-limited alliances between female politicians and women's civil society have resulted in some legislative gains, despite at times considerable differences of political allegiance and ethnic identity. International agencies and NGOs have also played a pivotal role, especially gender specialists who have provided advocacy and support.

Comparing the Cases

We have drawn upon pioneering extant feminist research on the gendered effects and outcomes of power-sharing settlements in Bosnia and Herzegovina, Northern Ireland and Burundi to explore the potential value of an FI approach in furthering our understanding of the tensions between gender and power-sharing. Below we draw together common themes from across the three cases, using our four concepts of: *nested newness*, *formal/informal institutions*, *gendered logic of appropriateness*, and *gendered actors* to examine the puzzle.

Nested Newness

One of the most important wider contexts within which these cases are embedded is the broader international system. Of note is the increasing role of international (and sometimes regional) actors in the design of political settlements and the promotion of international norms, including human rights and gender equality, and their ongoing involvement in, and sometimes management of, settlements as part of wider development activities. The three cases sit at the intersection of two burgeoning trends

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in conflict resolution institutional design: power-sharing as the predominant model in theory and in practice, and the promotion of new rules about women's political inclusion and provision for gender equality (in shorthand, the WPS agenda). Both these institutional trends are gendered: most obviously, reforms such as quotas for women, and gender mainstreaming seek to reform gender hierarchies and improve the descriptive and substantive representation of women; but power-sharing models in practice are also gendered, not least in the privileging of ethno-national identities over gendered or intersectional identities, and the dominance of male political elites and male protagonists.

In all three cases, but particularly in BiH, international (and other external) actors are observed as legitimising and incentivising ethnic framings, thus marginalising other forms of identity and mobilisation. The WPS agenda has found traction, increasing over time and supported by new rules such as UNSCR 1325 and its sister resolutions. Whereas gender provisions were absent in BiH, these claims were prefigured in the advocacy of the NIWC in Northern Ireland, and were integrated into the Burundi process (albeit late in the proceedings). We also see the impact of WPS norms on influencing revisions to settlements, including in BiH. However, overall, the impact of WPS norms remains limited.

In terms of legacies, there are important continuities in terms of political cultures and traditional gendered social hierarchies, which have worked to dilute change.

Formal/Informal Institutions

Formal rules matter, and the cases examined here demonstrate the varying effects of formal rules, intended and unintended. For example, formal quotas have delivered as intended in terms of descriptive representation in Burundi, but the enforcement mechanism of co-optation has diminished female politicians' legitimacy. Institutional power-sharing design features in all three cases have led to the polarisation of political parties, and the 'freezing' of ethno-national identities. These three cases expose the tension between two sets of formal rules, those pertaining to power-sharing,

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particularly political power-sharing, and those promoting WPS norms through various formal provisions for the inclusion of women and for reforms to promote gender equality.

Across all three cases, our FI lens reveals the equal importance of informal institutions (rules, norms and practices) alongside the formal. Most often these informal institutions have worked not to coordinate but to resolve the contradictions between ethno-national power-sharing and gender-sensitive inclusion rules in favour of ethno-national identities and elites, and the gender status quo. To be sure, there have been instances where 'completing' institutions have been created to 'fill in the gaps' in the formal rules, for example the raft of new gender provisions in BiH. However, the weight of evidence from the cases points to the lack of completing, complementary or reinforcing informal institutions that would help to institutionalise new gender rules.

The informal institution of clientelism is revealed as an important feature across all three cases. The design of the power-sharing institutions arguably facilitates clientelism by granting considerable autonomy to parties, and sometimes effective control over specific areas, and entailing limited requirements for collective responsibility. But it is also an example of an informal institution surviving or arising to address shortfalls in formal institutions. Although the gendered impacts of clientelism are not explored fully in the extant literature on these cases, research elsewhere suggests that clientelist practices fix and reinforce male dominance in political life, whatever the formal rules of inclusion (Bjarnegard, 2013). Clientelism is an informal institution that arises to address unpredictability and to maximise stability in turbulent political systems (Bjarnegard, 2013) but it also works as a gendered informal institution drawing upon 'homosocial capital' accrued by powerful male elites and exchanged via male dominated networks. The gendered operation of clientelism advantages male over female politicians, providing political, material and symbolic resources, networks, and, in some cases, electoral votes. In our cases, clientelism has also contributed to the framing of politics as 'dirty' and 'macho', and it is an important context within which women's groups have been silenced or have self-censored in terms of cross-community advocacy. Clientelism is not confined to power-sharing systems, nor to post-conflict states, but

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these institutional contexts enable the rise and flourishing of such informal institutions. It provides an example of the gendered effects of informal institutions that undermine formal rules of inclusion and, as such, merits further research.   We see the resilience of other informal institutions that reinforce gender hierarchies despite the presence of new formal rules.

The Gendered Logic of Appropriateness:

At the heart of the gendered logic of appropriateness is the coding of public and political authority as masculine, and clear boundaries between public and private. In all three cases, to varying degrees, female politicians experience sanctioning for their participation in the public world of politics including through mechanisms of marginalisation and delegitimisation. There are some striking similarities across the three cases in terms of the gendered logic of appropriateness.

Firstly, the primacy of ethno-national identities over other identities is evident, resulting in the dominance of ethno-masculinistic identities and values. Secondly, the presumption of male dominance in political life and of politics as a 'man's business' are common features across the three cases, although we have the paradox in Northern Ireland of female leaders of both main parties in the currently suspended Assembly. These logics play out in several ways, including the exclusion of women and their relegation to the domestic sphere, or to the 'small p' politics of civil society; or the inclusion of the 'right sort' of women (loyal, deferential) to work in low status or gender 'appropriate' areas (such as health, families, and women's issues).

Secondly, we see the logic of appropriateness privileging stability over inclusion, and giving primacy to containment over transformation. This means there is little incentive to address underlying structural inequalities, including gendered inequalities. Indeed, there is an institutional logic (whether explicitly recognised or not) to maintain the gendered status quo, including the public/private divide, *because* it is seen to underpin stability. We see the impact on outcomes in all three cases, where policies that would lead to 'transformational' gender change such as land reform (Burundi), reproductive

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and abortion rights (NI), and redress for war-time survivors of sexual violence (BiH) are framed as illegitimate and potentially destabilising.

Given these logics, gendered critiques of ethno-masculinist politics, efforts to connect the public and private (for example, to expose the links between domestic violence and wider notions of security), and the pursuit of cross-cutting alliances around gender equality are all, to some degree, deemed 'inappropriate' and subject to sanction. Such sanctions may involve the labelling of advocates as 'traitors', shunning, and violence and intimidation. More procedural forms of marginalisation include, for example, the subordination of equalities legislation to the perceived needs of 'community relations' by policymakers in their translation and implementation.

Gendered Actors: Rule-Makers, Rule-Takers, and Rule-Breakers

Institutions are created, maintained and contested through human action. The common themes across the three cases are:

Firstly, the dominance of predominantly male elites across the cases (both international and domestic). In all three cases, international designers have done little to change the status quo of the elites who are in the position of enforcing (or not enforcing) new rules, including new gender rules.

Secondly, gender reform actors both international (for example, UNIFEM, UN Women, and transnational women's movements and advocacy groups) and domestic (politicians, women's movement organisations) have had a variable impact. We see marginalisation, contestation and co-optation of women as actors. We also see evidence of strategic or creative use of rules by mobilised women's and feminist groups sometimes in alliance with transnational feminist actors or allies within the international system. This includes the deployment of WPS norms to promote the inclusion of women and provisions for gender equality in new frameworks, or the taking advantage of the 'soft spots' and 'gaps' in existing frameworks to 'fill in the blanks' with new gender rules.

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We see the promotion of and to resistance to gendered change by domestic and international actors, as well as more indirect effects of actors following gendered logics of appropriateness.

In all three cases, there are significant shortfalls in rules of enforcement for new gender provisions, or in their application in cases where monitoring and evaluation requirements formally exist.

Conclusions: A Feminist Institutionalist Lens on Gender and Power-Sharing

This exploratory and illustrative exercise has applied an FI lens to try to better understand the apparent tension between power-sharing – as the dominant institutional framework in conflict resolution – and the inclusion of women and provisions to promote gender equality as exemplified by the burgeoning WPS agenda.

This article makes five contributions:

Firstly, it contributes concepts such as *nested newness*, *formal and informal institutional dynamics*, *gendered logics of appropriateness*, and *gendered actors* to the literature on power-sharing and post-conflict institutional design and reform processes.

Secondly, it improves our understanding of why the introduction of new formal rules does not always result in the outcomes intended and desired by institutional designers in different contexts and *why* it has been so difficult for gender progressive institutional innovations to be instantiated.

Thirdly, by overtly recognising the formal and informal and their interaction, it also contributes to the feminist analysis of political settlements including power-sharing models. It offers several linked insights about the explicit and implicit ways institutional design and gendered logics of appropriateness instantiate institutions and outcomes over the longer haul. In particular, we highlight the way that institutional settlements that privilege stability over transformation, and recognise and accommodate difference

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along only one dimension, work to incentivise and fix the gender status quo, dilute gender reforms, and marginalise and stigmatise women. Observed in its breach, the logic links the gendered status quo of dominance and deference with the delivery of stability, predictability, and predominant norms of ethno-nationalism.

Fourthly, by exposing the contingency of formal institutional settlements, their daily maintenance, and the ongoing processes of contestation by shifting coalitions of actors, we provide dynamic understandings of change and highlight the constraints and resources that institutions (including informal institutions, and institutional logics) provide for actors. The critical point is that institutions and the hierarchies and power distributions they produce are open to challenge, including the dominant gender regime and the prevailing gendered logic of appropriateness.

And finally, in so doing, we answer the call of Byrne and McCulloch (2012) for more systematic analysis and theorising around the gendered paradox of power-sharing and, hence, help the understanding of the uneven outcomes of post conflict institutional design and reform efforts. It may be that there will always be "an awkward fit" between power-sharing and WPS norms and goals (Byrne and McCulloch, 2017), but by exposing mechanisms of exclusion, and dynamics of contestation, we also provide a basis for beginning to identify what institutional mechanisms might be needed to embed the inclusion of women and the integration of WPS norms in power-sharing frameworks in the future.

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