

## Institute for Human Security

The Institute for Human Security (IHS) at The Fletcher School, Tufts University focuses on the security and protection of individuals and communities while promoting peace and sustainable development. To achieve this, IHS catalyzes collaboration between and creates synergies among the fields that place people at the center of concern: conflict resolution, human rights, humanitarian studies, and political and economic development. Our research, education, and policy engagement emphasize the following principles: protection and promotion of the rights of at-risk populations, empowerment of people, and promotion of responsible government and institutional practices.

## The Inclusive Peace and Transition Initiative (IPTI)

The Inclusive Peace and Transition Initiative (IPTI) is dedicated to evidence-based research and its transfer to policy and practice. The objective of the initiative is to support sustainable peace and transition processes by providing expertise and information on inclusion and participation in political processes. This expertise is drawn from a collection of research projects that have been conducted for nearly a decade at the Graduate Institute in Geneva under the lead of Dr. Thania Paffenholz.

### DR. THANIA PAFFENHOLZ:

With over 25 years of experience as both an academic and policy advisor, Dr. Paffenholz is internationally renowned for her work on and in support of peace and political transition processes worldwide, focusing on mediation and peacebuilding, process design, inclusion and participation, as well as the conditions under which these processes produce sustainable outcomes. In recognition of her work, Dr. Paffenholz received the prestigious Wihuri International Prize in 2015. Dr. Paffenholz has roots in Europe, Africa and Asia.

Series 1, Number 2

# Inclusion and Legitimacy in Contemporary Peace & Transition Processes

## Results from the “Broadening Participation” Project (2011–2015)<sup>1</sup>

DR. THANIA PAFFENHOLZ

Inclusive peace processes have been slowly replacing the traditional exclusive peace deals negotiated solely between two or more armed groups. From Colombia to Libya and Myanmar, contemporary peace and transition processes seek to include relevant social actors in peacebuilding initiatives throughout all conflict phases. Civil society now often participates in one way or another (both formally and informally) to support peace: during war and armed conflict; during the pre-negotiation phase; during formal multi-stakeholder peace talks and related national-level negotiations to draft new constitutions or detail political reforms; and afterwards during the post-agreement implementation phases.

The main armed conflict parties involved in such complex peace processes may have a variety of incentives to exclude less powerful unarmed and/or non-aligned civil society groups, such as opposition political parties, traditional actors, faith-based groups, NGOs, trade unions, business, and women’s groups. They may fear that including additional actors alongside the main negotiating parties will lead to a multiplication of positions at the table, making effective compromise during peace talks more difficult. They may worry that included actors could band together (or ally with negotiators) to form polarized coalitions, further inhibiting compromise. Armed groups may suspect that political pressures related to ongoing violence, or financial pressures related to limited funding, may mean that an agreed negotiation timeframe cannot be extended in order to reflect the significantly increased number of positions - thereby reducing opportunities for substantive dialogue and eventual compromise.

<sup>1</sup> The following is based on the “Broadening Participation in Political Negotiations and Implementation” research project (2011-2015) conducted at the Graduate Institute of International and Development Studies in Geneva. For further information about this project, please see [www.inclusivepeace.org](http://www.inclusivepeace.org) or directly contact Dr. Thania Paffenholz.

It is therefore surprising that evidence from around the world shows that the most common actors to initiate inclusive peace and transition processes are these very conflict parties. The “Broadening Participation in Political Negotiations and Implementation” project is a multi-year research project (2011–2015) – conducted at the Graduate Institute of International and Development Studies in Geneva under the leadership of Dr. Thania Paffenholz – that analysed how inclusion works in practice and what the impact of inclusive practises has been on reaching and sustaining political agreements. This qualitative research project compared 40 in-depth country case studies of peace and constitution-making negotiations and their implementation from 1990 to 2013, assessing the role of all additionally included actors alongside the main conflict parties; these were civil society and women groups, but also hard-to-reach constituencies, and sometimes even excluded armed groups.

### Overview of Project Results on Inclusion and Legitimacy

The Broadening Participation project found that conflict parties tend to initiate inclusion largely in order to strengthen their legitimacy, and the legitimacy of the process, in the eyes of a variety of audiences. These audiences include the general population of the states/societies involved in conflict, as well as important sub-groups such as national political elites, the military, hardliner constituencies within each relevant faction, and occasionally the business community. In addition to a national audience, legitimacy-strengthening efforts by conflict parties may also be geared towards gaining acceptance from the international community and, where applicable, powerful regional actors. The exception to this general rule is women’s organizations, which are rarely included in order to increase legitimacy - and when they are, it is often due only to significant outside pressure and lobbying efforts by civil society groups, women’s NGOs and international organizations. In addition to seeking legitimacy, conflict/negotiating parties may choose to include other actors in order to harness their expertise in mediation, negotiations, or specific thematic issues of relevance to the process; in order to seek out or test new ideas or in tacit recognition of these groups’ traditional roles as experts.

Other actors with the capacity to initiate inclusion in a negotiation process are the official mediators or facilitators. Mediators and facilitators have also initiated inclusion in order to increase legitimacy of the process, though they have also initiated inclusion out of personal or organizational commitments to the normative ‘right’ to participate of one or more groups. These actors were found to be more likely to pressure for the inclusion of women than conflict parties.

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Legitimacy is a complex topic that is notoriously difficult to define, much less operationalize. In terms of multi-stakeholder negotiation processes, legitimacy has procedural and content dimensions. The perceived legitimacy of negotiation procedures is influenced by perceptions regarding who is able to determine the substance of negotiations (e.g. agenda-setting). This includes whether individuals and their communities feel that their interests are being genuinely represented in the negotiation process. Procedural legitimacy assessments depend on how the negotiations unfold in practice, and whether there is adequate, transparent communication to the public about the content of negotiations and relevant decision-making procedures. It is also linked to whether or not the negotiators are perceived as representing their constituencies, or merely pursuing narrower personal goals (including through corruption, such as taking bribes). The content dimension of legitimacy refers to the publically-perceived quality of the final negotiation outcomes (i.e. the peace agreement, or constitution, etc.) and, for example, whether these outcomes are believed by a majority of actors to satisfy general conditions of ‘fairness’ and to effectively address context-specific grievances and issues related to transitional justice, and whether outcomes are deemed realistic and feasible to implement. Assessing the quality of negotiation outcomes is

a somewhat subjective exercise highly dependent on the perceived interests and power positions of involved actors in relation to others. Hence, legitimacy must be established and interrogated in historical context, in order to account for conflict specificities and relevant actors' power positioning in relation to each other (and to external parties). The following examples, drawn from the Broadening Participation project, summarize key aspects of legitimacy as they relate to certain constituencies within countries.

### Public support and legitimacy

Public support can impact a process when agreements are put to national referendums or elections, but also during political reform processes more generally. When an agreement signed by negotiating parties is put to a national referendum, lack of public support translates into votes against ratifying the agreement. This can be disastrous, as the rejected agreement is then often seen as completely discredited, regardless of its particular merits. There are numerous examples of this from around the world. In Cyprus, the United Nations-mediated peace plan in 1994 failed after it was narrowly defeated in a referendum. The Swiss-mediated deal between Turkey and Armenia in 2009 was also not ratified by the two nations' respective parliaments; therefore, the agreed protocols to normalize diplomatic relations could not be implemented.

Armed groups often have the perception that they enjoy widespread public support; however, the majority of the population is usually more interested in security and basic needs than in conquest or revolutionary struggle. This has two implications: first, armed groups may overestimate their standing as legitimate voices of their (assumed) constituency. Agreements negotiated without adequate public buy-in will not have adequate support in the implementation. In the negotiations between the Zapatista Army of National Liberation (EZLN) and the Government of Mexico from 1994, the Zapatistas employed a very effective strategy of using inclusion to gain the investment of the wider Mexican society in a conflict that directly affected just one area of the country (Chiapas). They did this by providing a number of opportunities for all Mexicans to contribute to and comment on their

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political agenda, including inviting a large number of advisors from civil society to the negotiations with the government. They also held workshops and a referendum on the core issues of the Zapatista program.

### Hardliner support and legitimacy

Conflict parties need to involve both moderate and hardliner factions in any negotiated peace process. Excluding hardliners does not neutralize their influence; instead exclusion often pushes them towards undermining the entire process. In Sri Lanka, the peace negotiations between the government and the armed opposition Liberation Tigers of Talim Eelam (LTTE) mainly involved moderates. The hardliner factions within the LTTE responded by isolating moderates and reverting back to war, unsuccessfully. The Sri Lankan government won a military victory that not only resulted in the loss of LTTE's territorial gains and autonomous status in the North and East of the country, but also led to the destruction of its entire military capacity. Most leaders were killed or jailed and overall approximately 23,000 people died during the final phase of the war. In contrast, during the current negotiations in Colombia between the government and the armed group Fuerzas Armadas Revolucionarias de Colombia (FARC), the government included two opposing factions within the army in its negotiation delegation. This was a lesson learned from the failed Pastrana negotiations (1999-2002) when the hardline factions within the army opposed the peace deal.

### Regional actor support and legitimacy

The influence of powerful regional actors is often a decisive element of peace and transition processes. For example, the role of the European Union (EU) in the Cyprus conflict was almost more important

than the UN's peace plan, as the prospect of membership within the EU became a decisive factor for the Greek Cypriot side. Likewise, the role of India in the Nepali conflict was exceedingly influential, as the withdrawal of Indian military and political support for the Nepalese government was a decisive turning point in the process, enabling a civil society movement to have greater impact on the defeat of the government through powerful mass action and the start of negotiations. Depending on the specific context, the inclusion of regional actors into peace processes - whether as mediators, groups of friends, observers, or even parties to the negotiations - can be effective in building legitimacy. However, it can also be counterproductive if not carried out in a constructive manner.

### **The international community and legitimacy**

International actors either have specific national or regional interests and positions in relation to an ongoing conflict, or are swayed by normative concerns regarding equality and procedural fairness. Inclusion can sometimes mitigate the impact of these external interests by demonstrating that the local population supports the position of a given conflict party, when that conflict persuasively demonstrates that relevant constituencies are effectively represented, as seen in the example from the Zapatista autonomy movement in Mexico.

The Broadening Participation project findings confirm that legitimacy is a multifaceted issue that encompasses a variety of different expectations about how a negotiation process should take place. Importantly, the legitimacy of any multi-stakeholder negotiation process is not a single attribute but rather an inter-subjective quality shaped by shifting relations between a range of possible stakeholders, each with different conceptions of legitimacy.