

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.

For more information on the research project, please visit fletcher.tufts.edu/Institute-for-Human-Security/Research/Building-State-Legitimacy

The Inclusive Peace and Transition Initiative (IPTI)

The Inclusive Peace and Transition Initiative (IPTI) at the Graduate Institute in Geneva 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.

These preliminary results are based on the “Broadening Participation in Political Negotiations and Implementation” research project, led by Dr. Thania Paffenholz at the Graduate Institute of International and Development Studies since 2011. This project analyzes how and under what conditions various actors in addition to the main negotiating parties have participated in and influenced peace processes and political transitions, by comparing more than 40 in-depth qualitative case studies of peace and constitution-making multi-stakeholder negotiations, and the implementation of negotiated agreements from 1989 to the present. For more information, please see the IPTI website (www.inclusivepeace.org) or directly contact Dr. Paffenholz.

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The Role of Legitimacy in the Governance of Fragile States

Preliminary Findings on Legitimacy and Inclusion

KEY FINDINGS

1. Legitimacy is the most *frequently identified rationale* for broadening inclusion by those in power as well as those challenging these powers when it comes to complex multi-stakeholder negotiation processes. Often inclusion is initiated with the expectation that it will increase the legitimacy of actors, the overall process, or both.
2. How inclusion is operationalized in *process design* of multi-stakeholder negotiations influences whether it will deliver legitimacy, and to whom.
3. Regime type is *less of a factor* than state fragility. That is, a major factor influencing whether inclusion will be initiated by relevant actors for the purpose of enhancing legitimacy is whether or not a *regime is in crisis*.

Study Overview

This research analyses the Broadening Participation Project dataset to explore the relationship between broader inclusion in peace and political negotiations and the legitimacy of those negotiations in a variety of population groups. The Broadening Participation Project conducts qualitative research to analyze *how and under what conditions* various actors in addition to the main negotiating parties have participated in and influenced peace processes and political transitions. The project compares more than 40 in-depth qualitative case studies of peace, political and constitution-making multi-stakeholder negotiations, and the implementation of negotiated agreements, from 1989 to the present. It categorizes inclusion in peace and transition processes according to *seven inclusion modalities*. These modalities describe the range of possible formats through which actors other than the principal negotiating parties have been included in formal and informal negotiation processes.

Within the Broadening Participation project, further analysis was done to understand *the role of legitimacy* in peace and political negotiations, as it pertains to the *inclusion of additional actors*. Data from the 40 qualitative case studies yielded preliminary findings about the context in which negotiations took place and the articulated *rationales* of involved political leaders. Analysis of the relationship between the presumed intentions of leaders and the legitimacy of those leaders, as well as the legitimacy of the overall process, was then done. This involved the creation of proxy measures to evaluate the legitimacy (or illegitimacy) of relevant leaders, and of negotiation processes as a whole.

Legitimacy and Inclusion in Peace and Political Negotiations: Rationale, Process Design and Fragile States

- Legitimacy is the most *frequently identified rationale* in the decision to include additional actors in the multi-stakeholder negotiation processes studied. Pro-change and pro-status quo oriented actors can initiate inclusion in order to enhance their own legitimacy, the overall legitimacy of a negotiation process, or both. Actors addressing diverse target audiences will tailor strategies in pursuit of their political interests and short-term objectives. Pro-change and pro-status quo constituencies exist within all negotiating parties (government, opposition) and across civil society organizations, any sub-national group, and the international community.
- How inclusion is reflected in the technicalities of *process design* of multi-stakeholder negotiations influences whether it will serve the interests of pro-change or pro-status quo actors - which in turn directly impacts their legitimacy, as well as that of the overall process. Components of process design influence negotiation outcomes and whether a process will be perceived as legitimate, and by whom. Examples of such components include a variety of decision-making procedures, as well as selection criteria determining which constituencies and which individuals will participate and will have the power to influence the process. For example, in the Burundi peace process, when the decision was taken to make the Arusha negotiations more inclusive, civil society organizations

“**Legitimacy is the most frequently identified rationale in the decision to include additional actors in the multi-stakeholder negotiation processes studied.**”

and political parties advocated for a role. Then President Buyoya perceived the inclusion of civil society organizations as potentially beneficial to him, since they were mostly Tutsi-dominated; however the Hutu majority and the Hutu political parties were opposed to the inclusion of a civil society seen as Tutsi-dominated.

- *Regimes in crisis* have more frequently initiated inclusion with a goal of enhancing legitimacy than more consolidated regimes have – suggesting that regime type is less of a factor than state fragility. The legitimacy of actors and processes has been sought from domestic constituencies and from international actors, in particular regional actors.

Preliminary Implications

- Normative concepts of inclusion seem to be far less relevant than strategic political considerations by those in power or those challenging these powers. This implies that actors supporting these processes from outside should rely more on a better understanding of power relations within and between groups, instead of promoting inclusion as a normative rule.
- The devil is in the details of process design of inclusive multi-stakeholder negotiations. How procedures of selection or decision-making are designed determines whether included actors will have positive or negative influence on the process. Thus, process design is not a technical issue but a highly political task subject to manipulation by those in power.

Appendix: List of “Broadening Participation” Project Case Studies

1. Aceh Peace Negotiation 1999–2003
2. Afghanistan Negotiations and Political Transition 2001–2005
3. Benin political transition 1990–2011
4. Burundi peace negotiations and impl. 1996–2013
5. Colombia Peace Negotiations 1998–2002
6. Cyprus Negotiations 1999–2004
7. Darfur Peace Negotiations 2009–2013
8. DR Congo Inter-Congolese Dialogue 1999–2003
9. Egypt Political Transition 2011–2013
10. El Salvador Peace Neg. and Impl. 1990–1994
11. Eritrea Constitution Making 1993–1997
12. Fiji Political Transition/Constitution making 2006–2013
13. Georgia–Abkhazia UN Negotiations 1997–2007
14. Guatemala peace process 1989–1999
15. Israel–Palestine Geneva Initiative 2003–2013
16. Israel–Palestine Oslo I 1991–1995
17. Kenya Post–election violence 2008–2013
18. Kyrgyzstan political reforms 2013 – present
19. Liberia Peace Agreement and Implementation 2003–2011
20. Macedonia Ohrid FA Peace Process 2001–2013
21. Mali Political Transition 1990–1992
22. Northern Mali peace negotiation 1990–1996
23. Mexico Chiapas uprising and peace process 1994–1997
24. Moldova–Transnistria negotiations 1992–2005
25. Nepal Peace Agreement and CM 2005–2012
26. Northern Ireland Good Friday. 2001 2013
27. PNG Bougainville Peace Negotiations 1997–2005
28. Rwanda Arusha Peace Accords 1992–1993
29. Solomon Islands Townsville Peace Agreement and Constitution Making 2000–2014
30. Somalia National Peace Conference 1992–1994
31. Somalia National Peace Conference 2001–2005
32. Somalia Djibouti process 1999–2001
33. Somaliland Post–independence violence negotiations 1991–1994
34. South Africa Political Transition 1990 – 1997
35. Sri Lanka Ceasefire, Peace Negotiation and Elections 2000–2004
36. Tajikistan peace negotiations and impl. 1993–2000
37. Togo political transition 1990–2006
38. Turkey Armenia protocols 2008–2011
39. Turkish–Kurdish Peace Process 2009–2014
40. Yemen Transition National Dialogue 2011–2014

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