

# Conclusion

## From coercion to consent

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At the start of this publication, Kevin Clements explains how legitimacy “matters for peace [and can] transform coercive capacity and personal influence into durable political authority”. Legitimacy is specific to contexts – there is no such thing as universal legitimacy. It refers to the consensual acceptance of political authority and describes the formal and informal social and political agreements that facilitate functioning relationships between states and citizens, and local leaders and communities.

Legitimacy is fiercely contested in situations of violent conflict, where perceptions of the acceptability of political authority and the use of coercion are likely to be radically opposed. A peace process can provide a framework to accommodate diverse or competing sources of legitimacy, and cultivate broad consent on a satisfactory way forward for peace.

The extent of popular consent for a peace process (its legitimacy) relates to the sustainability of peace. The relationship between process (the means of building peace) and outcome (such as a peace deal or political settlement) is significant: a process that is broadly acceptable can help to facilitate broadly acceptable outcomes.

A legitimacy perspective on peace processes emphasises public perceptions of their acceptability in a particular conflict environment. It further stresses that peace initiatives are best seen as contributing to historical and ongoing processes of political transition out of violent conflict and coercive forms of governance.

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### **Peace through a legitimacy lens: context, consent and change**

The experiences discussed in this publication suggest that efforts to build peace and transform governance can usefully apply a “legitimacy lens” in their design and implementation. This can enhance prospects for sustainable peace by paying attention to three priorities in approach:

- » **Context:** recognising that legitimacy is specific to the circumstances and constituencies of a given conflict. Context-sensitive peacebuilding stresses domestic ownership of the peace agenda and architecture.
- » **Consent:** acknowledging that legitimacy is contested in situations of violent conflict. A consensual peace process that can accommodate representation of multiple sources of legitimacy is more likely to lead to a consensual outcome that people will commit to.
- » **Change:** understanding that peace initiatives are best seen as key components in ongoing processes of transition, rather than as ends in themselves. In states and societies affected by violent conflict, peace processes can help facilitate progress towards more consensual systems of governance as the basis for promoting sustainable peace.

### **Context**

Legitimacy is context-specific. Peace processes and initiatives need to work with the grain of local cultures, traditions and sources of authority. Context-sensitive peacebuilding stresses domestic ownership of the peace agenda and architecture, so that peace processes are responsive to conflict dynamics and locally defined priorities for peace.

### **Enable parties affected by conflict to determine the peace agenda**

People living amid violent conflict often have the greatest insights into its causes and drivers and appropriate

peacebuilding responses. Darfurians who were consulted as part of an African Union peace initiative in 2009 agreed on a precise analysis of their conflict – the local realisation of national problem of bad governance, which manifested as a proliferation of belligerents using violence to raise their respective value in a “political marketplace” built on patronage. Darfurians rejected the idea of conventional, bilateral negotiations between the Khartoum government and rebels as irrelevant to the fragmented nature of the conflict. Instead, they suggested a negotiating roundtable at which all stakeholders, armed and unarmed, represented themselves.

Affected parties often work actively to create their own impetus for peace. For example the informal process to develop the foundations for peace in the Basque Country: a citizens’ network and Social Forum has developed a peace agenda based around priorities identified by Basque society. As Paul Rios explains, “the Spanish government should modify its prison policies, not because [*Euskadi Ta Askatasuna*] ETA is asking for it, but because Basque society is calling for it. And ETA should take steps towards disarmament, not because the Spanish government is demanding it, but because Basque society needs it to eliminate any kind of threat”.

However, communities affected by a conflict are often excluded from efforts to resolve it. The Darfuri negotiating roundtable has not been supported despite the fact that conventional peace talks have repeatedly failed to deliver peace over many years. Basque society has struggled to gain traction on its recommendations for progress. Acknowledging the contribution of affected parties and enabling their inclusion can enhance the legitimacy and viability of a peace process. As discussed in more detail below, exploring multiple paths to peace can provide alternative entry points to peace processes for a range of peace actors, including affected parties.

### **Prioritise domestic ownership of the peace architecture**

Domestic ownership of the means of building peace (the peace architecture) is another important aspect of a context-sensitive peacebuilding approach. Examples in this publication have shown how national dialogue processes offer domestic frameworks for negotiating political settlements and facilitating constitutional reform, which external partners can support. Domestic actors lead the process, decision-making and means of implementation, and national dialogues bring together major policymakers and social stakeholders.

The emerging national dialogue process in Burma has been domestically driven, rather than resulting from international pressure. It has so far proved capable of responding to

evolving domestic priorities as it has progressed. The process has rapidly expanded from a national ceasefire to a much broader political dialogue on the future of the country as ethnic armed groups have seized the opportunity after 50 years of struggle to push for fundamental change. A small circle of reformers within government has worked with ethnic armed groups and civil society to press for transition and concrete reform. Momentum for the dialogue to begin in earnest has been gathering throughout Burma as the process has moved forward.

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National dialogues need political, financial and technical assistance, which can come from both internal and external sources. The relationship between domestic ownership and international engagement is complicated, but is invariably delicate and requires sensitive management. The National Dialogue Conference in Yemen, for example, grew out of an agreement brokered in Riyadh under the aegis of the Gulf Cooperation Council. External support has been essential to the operation of the conference, but international eagerness to demonstrate progress has at times risked papering over tough issues such as decentralisation and self-determination for the south. Failure to resolve these challenges satisfactorily may in the end dissuade many Yemenis from endorsing the outcomes of the process.

### **Consent**

The fact that legitimacy is fiercely contested in situations of violent conflict is a key challenge to efforts to build peace. One way to understand a peace process is to see it as a framework to accommodate representation of diverse and competing sources of legitimacy, and to cultivate broad consent on a satisfactory way forward for peace. A consensual process is more likely to lead to a consensual political settlement or other types of outcome that enjoy popular approval and can provide a viable basis for transition.

### **Explore multiple paths to peace**

Exploring multiple paths to peace can help to manage diverse (and divergent) perceptions of legitimacy. These can look beyond official negotiations to find other ways for key sources of political authority and interests to be

represented. Elites, minority and marginalised groups, conflict parties and communities affected by conflict: all have an interest in peace and need to be represented in the peace process. Constituencies can be included in official talks, or can take part in other types of peace initiative such as national dialogue, constitutional processes or public consultation.

The Civil Society Assembly that was established as part of the peace process in Guatemala in the mid-1990s incorporated representation of a range of social, economic and religious actors, including indigenous organisations, trade unions, churches, women's organisations, journalists and others. Under the leadership of the Catholic Church, it was tasked with developing consensus papers on substantive issues on the negotiating agenda and had the power to veto various outcomes of the talks. The assembly helped to consolidate the national credentials of official negotiations between the government and the rebels, and provided a public connection to the peace process.

Complementary peace efforts often develop organically. Many Colombians, while welcoming official negotiations in Havana between the *Fuerzas Armadas Revolucionarias de Colombia* and the government as a vital step to end the violence, also see these talks as remote and feel that neither of the negotiating parties represent many of their key interests or priorities for peace. Instead, parts of Colombian civil society have been looking for alternative channels for representation through different types of peace initiative, such as the peace summit and march organised by Colombian women in late 2013, and the "Ethical Pact for a Country in Peace".

### **Engage local governance**

Authentic representation is a precious but scarce resource in peace processes. Increasingly, peace initiatives are looking to local (sub-state) governance and leadership to provide channels for representing the interests of various communities. De facto governance structures are complex and bring risks. In the *favelas* of Rio de Janeiro, for example, militias provide contradictory governance functions: they protect communities in the *favelas* from violent intrusion by predatory and corrupt state police; but they also use violence and other forms of coercion themselves in order to dominate communities politically and socially.

The complexity of contextual realities is not a reason to exclude local leadership from processes of transition. There are many examples of sub-state governance structures (formal and informal) providing political organisation, basic protection and key services to communities in even the most violent and insecure environments.

Many Syrians have increasingly rejected both the Assad regime and the "official" opposition due to their unremitting resort to extreme violence. Particularly in northern Syria, local civil society, including Local Coordination Committees, has increasingly been taking on local government responsibilities and setting up ad hoc administrative structures to provide leadership in communities threatened by disintegration. Grassroots civilian networks have connected people in villages and towns, provided support for victims, and organised alternative hospitals and water distribution. Doreen Khoury stresses that "including civilian-led grassroots structures in future peace negotiations and the proposed transition process is a strategic necessity – not only to give negotiations credibility and legitimacy inside Syria, but also to convey an accurate representation of the Syrian 'street'".

### **Change**

As we know, legitimacy is context-specific and contested. However, there is a broad understanding that legitimacy is greater where there are high levels of political inclusion, participation, representation and achievement. Equally, diminishing legitimacy is often a key inducement for political leaders to shift from persuasive to more coercive forms of governance. A legitimacy lens views peacebuilding efforts not as discrete initiatives, but as important elements in processes of positive change towards more legitimate political systems. This understanding can provide a better basis for peace processes to contribute to promoting sustainable peace.

### **Enhance constitutional legitimacy**

Constitutional processes provide opportunities to renegotiate social and political relations between state and society and among different social groups (the "social contract"). In the context of a peace process, a renewed constitution can safeguard the foundations for peace, helping elites and constituencies to develop understanding and ownership of a shared system of government. The process through which a constitution is revised and the substance of what it says (the outcome) are both important to its legitimacy. Greater constitutional legitimacy can increase the chances of future conflict being managed through peaceful politics. Agreement on a revised constitution does not mark the end of transition, but lays foundations for ongoing non-violent change.

Important parts of the Somali constitutional process have been manipulated to respond to political priorities. For example, the process to allocate membership of the National Constituent Assembly was "streamlined" to meet political benchmarks, which in reality enabled the selection of political appointees. But the very fact that negotiations to agree the new Provisional Constitution in 2012 have

not only progressed but have been able to include clan leaderships and regional administrations demonstrates a new level of political maturity and motivation to tackle the challenges to peace and transition in Somalia.

A defective constitution-making process does not have to be terminal if the constitution endures and can be seen to be delivering better governance. There is growing global experience of “transitional constitutionalism”, by which a faulty constitution or constitutional process can accrue legitimacy over time through incremental revision. For example, many Nepalese have been disillusioned by the failure of the first Constituent Assembly to agree a constitution after four years of deliberation. But most conflict parties have not reverted to violence and remain engaged in constitutional and other reform processes. The second Constituent Assembly needs to find ways to engage political leaders, to work with civil society to promote national reconciliation, and to tackle core constitutional challenges relating to the nature of federalism.

#### **Protect “peacebuilding space”**

Peacebuilding space to facilitate transition in states and societies affected by violent conflict needs to be protected from competing agendas. For instance, counter-terrorism policies or hard-line criminal legislation can squeeze the space for peacebuilding and mediation by prioritising the exclusion of certain coercive actors. Engaging actors who use force instrumentally is an important part of a peace process, helping to reduce their reliance on coercion to achieve their objectives. An example is supporting non-state armed actors’ transformation through their engagement in transitional processes of mutual confidence building and political reform.

Protecting peacebuilding space is complicated in conflict situations where distinctions between actors’ roles are blurred and the legitimacy of certain parties is contested and difficult to define. Hezbollah in Lebanon has pursued democratic politics while refusing to relinquish its autonomous military capacity. Its transformation has got stuck as it has resisted decommissioning since the signing of the 1989 Taif Peace Accord. Its legitimacy or illegitimacy is variously perceived in terms of its roles as a domestic political actor and champion of marginalised Lebanese Shia, as the spearhead of resistance to Israeli occupation, and as a proxy of radical regimes in Tehran and Damascus. Hezbollah’s violent involvement in the Syrian war has further complicated its identity.

Ambiguities extend to the blurring of lines between political and criminal violence. Nevertheless, peace processes often need to safeguard channels of communication or discreet engagement with actors who are proscribed. The 2012

gang truce in El Salvador, for example, had to overcome significant social, political and legal obstacles, as gangs were initially outlawed across-the-board as criminals. Dialogue between jailed gang leaders was later facilitated through secret negotiations that included tacit government support. These enabled the truce process to progress.

#### **Legitimacy and peace in practice: enhancing peacebuilding performance**

In order to have real impact in practice, a legitimacy lens needs to be translated into specific priorities and actions. This requires effective monitoring to assess progress, which in turn needs to be supported by rigorous and relevant data.

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A legitimacy approach to assessing the effectiveness of peace processes emphasises gathering public perceptions of their impact. However, as Andrew Mack argues, there is currently a lack of “even the most basic data on the most relevant issues”. Despite an increasing push to create peacebuilding policies that are “evidence-based”, the lack of appropriate data means that there is no real way to measure peacebuilding performance.

Implementing a “data revolution” to support the development of better policy is not easy. Donors and recipients especially find it hard to agree on data sources and indicators to measure progress. Recipient state governments have opposed common indicators, perceiving them as primarily reflecting donor interests. For example, there have been tensions between donors and the g7+ group of “fragile and conflict-affected states” on the Peace and Security Goals in the *New Deal*, specifically over the development of country-level versus common indicators.

Nevertheless, there are viable ways forward. Nationwide population and perception surveys offer potentially useful sources of data for peacebuilding indicators, based on interviews with representative samples of national populations. Andrew Mack stresses the transferability of survey tools for health and education sectors, which can be applied to collect data to track progress towards

peacebuilding goals. Abdifatah Tahir further describes encouraging and innovative examples of local efforts to collect data, explaining how the Observatory of Conflict and Violence Prevention in Somaliland has been gathering people's perceptions of the effectiveness of public service provision, specifically as it relates to peacebuilding.

### **From coercion to consent**

A legitimacy approach to peace processes and peacebuilding puts people first. It emphasises public engagement in *how* peace is achieved, and approval of *what* peace should look like. This can help to identify precisely the real drivers and dynamics of violence and conflict, to match peace initiatives to the grain of local cultures, traditions and sources of legitimacy, and to promote broad consent for a peace process and its outcomes.

The peacebuilding experiences described in this publication show that processes of national dialogue and constitutional review can provide concrete initiatives to promote political legitimacy and consensual governance in situations of violent conflict and transitions from military rule. Local governance and leadership can offer potential sources of legitimate authority and representation in peace processes, and engaging actors that use violence in processes of political reform can contribute to the transformation of coercive political systems.

Paying attention to priorities of context, consent and change in peace initiatives can help to ensure that people in the midst of conflict remain central to the full cycle of peacebuilding responses, and that peace efforts find a place in broader processes of transition. Applying a legitimacy lens in approaches to peace processes may help to make peace more sustainable by facilitating positive change from coercion to consent.