Legitimacy and peace processes
From coercion to consent
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.

Legitimacy is context-specific. Peace processes and initiatives need to work with the grain of local cultures, traditions and sources of authority, so that peace processes are responsive to the specific dynamics of a given conflict 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 understanding of 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 value in a “political marketplace” built on patronage.

The Darfuri negotiating roundtable has not been supported while Basque society has struggled to take forward its agenda for progress. Acknowledging the contribution of affected parties and enabling their inclusion can enhance the legitimacy and viability of a peace process.

Prioritise domestic ownership of the peace architecture
Domestic ownership of the means of building peace (the peace architecture) can facilitate context-sensitivity in peace processes. National dialogue processes offer domestic frameworks to negotiate political settlement and facilitate constitutional reform, which external partners can support. National dialogues bring together major policymakers and social stakeholders, and domestic actors lead the process, decision-making and means of implementation.

The emerging national dialogue process in Burma has been domestically driven and has so far proved capable of responding to evolving domestic priorities. 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 speed and support throughout Burma as the process has moved forward.

National dialogues need support – political, financial and technical – which can be both internal and international. Currently national dialogue and other domestic peace efforts receive only a fraction of the resources that are given to international initiatives. The relationship between domestic ownership and international engagement is complicated, but is invariably delicate and needs sensitive management. The National Dialogue Conference in Yemen grew out of an agreement brokered in Riyadh under the aegis of the Gulf

Legitimacy is about social, economic and political rights, and it is what transforms coercive capacity and personal influence into durable political authority. It is critical to political order, stable peace and development.”
Kevin Clements

The Spanish government should modify its prison policies, not because 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”
Paul Rios

The starting point for a legitimate peace process, leading to a legitimate agreement, is enabling the affected people to decide on the priority issues. There is no a priori formula for legitimacy outside such a consultative process”
Alex de Waal

The most effective dialogue and peace structures are the ones carefully designed by national stakeholders to collectively address their conflict and broken constitutional instruments”
Hannes Siebert

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 are often actively working to create their own impetus for peace. An informal process has been trying 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.

Communities affected by a conflict are more often excluded from efforts to resolve it. The Darfurian negotiating roundtable has not been supported while Basque society has struggled to take forward its agenda for progress. Acknowledging the contribution of affected parties and enabling their inclusion can enhance the legitimacy and viability of a peace process.

The Spanish government should modify its prison policies, not because 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”
Paul Rios

Prioritise domestic ownership of the peace architecture
Domestic ownership of the means of building peace (the peace architecture) can facilitate context-sensitivity in peace processes. National dialogue processes offer domestic frameworks to negotiate political settlement and facilitate constitutional reform, which external partners can support. National dialogues bring together major policymakers and social stakeholders, and domestic actors lead the process, decision-making and means of implementation.

The emerging national dialogue process in Burma has been domestically driven and has so far proved capable of responding to evolving domestic priorities. 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 speed and support throughout Burma as the process has moved forward.

National dialogues need support – political, financial and technical – which can be both internal and international. Currently national dialogue and other domestic peace efforts receive only a fraction of the resources that are given to international initiatives. The relationship between domestic ownership and international engagement is complicated, but is invariably delicate and needs sensitive management. The National Dialogue Conference in Yemen grew out of an agreement brokered in Riyadh under the aegis of the Gulf
have been looking for alternative channels for representation or priorities for peace. Instead, parts of Colombian civil society of the negotiating parties represent many of their key interests in Havana between the Fuerzas Armadas Revolucionarias de Colombia (FARC) and the government as a vital step to end the conflict.

The fact that legitimacy is fiercely contested in situations of violent conflict is a key challenge to efforts to build peace. A peace process can be seen as a framework to accommodate representation of diverse or competing sources of legitimacy, and to broaden the basis of consent for a satisfactory way forward for peace. A consensual process is more likely to lead to a consensual political settlement or other outcome, which enjoys popular approval and can provide a viable basis for transition.

**Consent**

Acknowledging that legitimacy is fiercely 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.

**Explore multiple paths to peace**

Exploring multiple paths to peace can help to manage diverse (and divergent) perceptions of legitimacy in situations of violent conflict. 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.

Different constituencies can be included in official talks, or can engage with other types of peace initiative such as national dialogues, constitutional processes or public consultations.

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, the assembly was tasked with developing consensus papers on substantive issues on the negotiating agenda and had the power to veto various outcomes of the talks. It 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 leadership**

Authentic representation is a precious but rare resource in peace processes. Increasingly, peace initiatives are looking to local (sub-state) governance and leadership to provide channels for representing the interests of 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.

**Explore multiple paths to peace**

Exploring multiple paths to peace can help to manage diverse (and divergent) perceptions of legitimacy in situations of violent conflict. 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.

The complexity of contextual realities is not a reason to exclude local leadership from processes of transition. There are many examples of local 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 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.

**One of the scarcest commodities in violent conflict is legitimate representation for peace processes – “who has the right to represent whom?”**

Ken Menkhaus

The complexity of contextual realities is not a reason to exclude local leadership from processes of transition. There are many examples of local 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 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.

**Including civilian-led grassroots structures in the transition process is a strategic necessity – to give negotiations credibility and legitimacy inside Syria and to convey an accurate representation of the Syrian “street”**

Doreen Khoury
Although legitimacy is context-specific and contested, there is a broad understanding that it 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 perspective views peacebuilding efforts not as discrete initiatives, but as important elements in continuing processes of positive change. This understanding can provide a better basis for peace processes to contribute to the development of more consensual political systems.

**Support processes to 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, enabling elites and constituencies to develop understanding and ownership of a shared system of government through wide public participation and fair representation of relevant views.

> **Major constitutional changes can be understood as renegotiation of the “social contract” between the state and society as a basis for peaceful governance**

Cheryl Saunders

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 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 a growing number of cases of “transitional constitutionalism”, by which a faulty constitution or constitutional process accrues legitimacy over time through incremental revision. 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 peacebuilding space 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 in pursuit of their objectives. An example of this is supporting non-state armed actors’ engagement in transitional processes of mutual confidence building and political reform.

> **The fundamental premises of negotiated settlements – dialogue with insurgencies and recognition of their grievances – are anathema to the international counter-terrorist consensus**

Jean Arnault

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 simultaneously pursued democratic politics while refusing to relinquish its autonomous military capacity 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 difficult actors. 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 subsequently facilitated through secret negotiations that included tacit government support. These enabled the truce process to progress.

“"Iron fist” policies were implemented against San Salvador gangs not because they were effective but because they were popular”

Isabel Aguilar Umaña, Bernardo Arévalo de León and Ana Glenda Táger

---

**Measuring peacebuilding performance: a legitimacy approach**

Policymaking for peacebuilding in situations of violent conflict is currently impeded by a severe lack of relevant data for assessing the performance of peace initiatives – despite increasing emphasis on policy to be “evidence-based”. A "data revolution" to provide the required evidence could help inform the development of better and more appropriate policy, and challenge governments – donors and developing countries – to fulfil their commitments. A legitimacy approach to measuring peacebuilding performance emphasises gathering perceptions of local people of the impact and effectiveness of peace initiatives, in order to help understand how well these are responding to local needs and priorities.

Realising a data revolution in practice is difficult, and donors and governments of developing countries have disagreed on data sources and indicators. For example, developing country governments have resisted common indicators, perceiving them as primarily serving the interests of donors, and complaining that they not only obscure the unique cultures and circumstances of specific contexts, but also overlook achievements of developing states and their societies.

However, survey tools from other development sectors like education and health provide viable models to collect data and track progress for peacebuilding. Innovative initiatives like the Observatory of Conflict and Violence Prevention in Somaliland provide encouraging examples of local efforts to gather people’s perspectives of the effectiveness of peacebuilding efforts.

“A data revolution could play a critical role in providing the hard evidence that peacebuilding and post-conflict development policies are succeeding – or not. In fragile states, successes in these areas are key determinants of state legitimacy, and hence of reduced risks of conflict recurrence”

Andrew Mack

---

This policy brief is based on findings from **Accord 25** *Legitimacy and peace processes: from coercion to consent*, published by Conciliation Resources. We would like to thank all of the expert contributors who made this Accord project possible.

Conciliation Resources is an independent organisation working with people in conflict to prevent violence and build peace. All Accord publications are available free on our website: www.c-r.org/accord

---

This publication was made possible thanks to the financial support of the Norwegian Ministry of Foreign Affairs, as well as the UK Department for International Development, the Swiss Federal Department of Foreign Affairs and the Swedish International Development Cooperation Agency. The contents are the sole responsibility of Conciliation Resources.

Cover photo: Demonstrators carrying the national flag of Nepal participate in a mass gathering demanding peace, social harmony and the punctual implementation of a new constitution, in Kathmandu, 23 May 2012. © Reuters/Navesh Chitrakar
Recommendations for policy and practice

Apply a “legitimacy lens” in approaches to peace processes. This can enhance prospects for sustainable peace by paying attention to priorities of context, consent and change.

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.

Enable parties affected by conflict to determine the peace agenda. People living amid violent conflict often have the greatest insights into its causes, but are repeatedly excluded from conflict resolution efforts. Enabling affected parties to identify key priorities for peace means that peace processes will be more responsive to contextual dynamics and local realities.

Prioritise domestic ownership of the peace architecture. National dialogue processes offer domestic frameworks to negotiate political settlement and facilitate constitutional reform. Domestic actors lead the process, decision-making and means of implementation. National dialogues need support, both internal and international. The relationship between domestic ownership and international engagement is complex, but is invariably delicate and needs sensitive management.

Consent: acknowledging that legitimacy is fiercely 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.

Explore multiple paths to peace, beyond official negotiations. Elites, minority and marginalised groups, conflict parties and affected communities: all have an interest in peace and need to be represented in the peace process, through official talks or other types of initiative such as national dialogues, constitutional processes or public consultations. This can help to accommodate diverse or divergent perceptions of legitimacy and broaden the basis of consent on a satisfactory way forward.

Engage local leadership to help provide authentic representation in a peace process. There are many examples of local, 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. De facto local governance can include warlords or vigilante justice, but the complexity of contextual realities is not a reason to exclude local governance structures from processes of transition.

Support efforts to enhance constitutional legitimacy. Constitutional processes provide opportunities to renegotiate social and political relations and a shared system of governance. The process through which a constitution is revised and the substance of what it says are both important to its legitimacy, which can increase chances that future conflict can be managed through peaceful politics. Best practice constitution-making involves wide public participation and fair representation of relevant views.

Protect “peacebuilding space” from conflicting agendas like counter-terrorism policies or restrictive legislation. Peacebuilding space is essential to facilitate processes of transition in situations of violent conflict and can necessitate engaging “coercive actors” who use force instrumentally – for example, facilitating non-state armed groups’ engagement in processes of mutual confidence-building and political reform, in order to try to reduce their reliance on violence in pursuit of their objectives.

Measuring peacebuilding performance: a legitimacy approach. Better understanding of the effectiveness of peace initiatives can inform efforts to improve peacebuilding policy and practice. A legitimacy perspective to assessing performance emphasises gathering people’s perceptions of impact. A “data revolution” could help provide the evidence base needed to track progress. Survey tools from other development sectors like education and health, and local initiatives like peace observatories, provide viable models for progress.