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 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

8. DR Congo Inter-Congolese Dialogue 1999–2003
18. Kyrgyzstan political reforms 2013 – present
27. PNG Bougainville Peace Negotiations 1997–2005
34. South Africa Political Transition 1990 – 1997
36. Tajikistan peace negotiations and impl.1993–2000
37. Togo political transition 1990–2006
38. Turkey Armenia protocols 2008–2011