Helpdesk Research Report

Citizens' role in political settlements

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Question

Identify literature on the role of citizens in creating and maintaining political settlements. Where possible identify material that discusses the role citizens are allowed to play; how citizens view their roles; compromises citizens are prepared to make; and differences, if any, between their roles in national and subnational political settlements.

Contents

1. Overview

Political settlement literature focuses predominantly on elites, with citizens often seen as passive beneficiaries or potential spoilers. However, emerging literature on the role of civil society in peace processes identifies roles that citizens have played and can play, in creating and maintaining what are essentially political settlements. This report outlines the concept of political settlement and introduces literature on potential citizen roles in such settlements. In particular, this report draws on an upcoming, unpublished document which synthesises current thinking and draws insights from an on-going project on civil society participation in peace processes.

It is important to note that contexts vary significantly and research for this report was not able to find literature that provides generalities in how citizens view their roles, the compromises they are prepared to make and differences between national and subnational political settlements. Instead, the literature suggests these issues are very much dependant on social, cultural and historical factors and constraints, which have determined what citizens could and have done.

Political settlements

Political settlements are often defined as an understanding, or bargaining outcome, between different elites (e.g. DFID, 2010; Di John and Putzel, 2009), but they can also be described as the balance of distribution of power between contending groups and classes (Khan, 1995, 2000; Di John and Putzel, 2009).

Inclusive (as opposed to exclusive) political settlements have a more comprehensive distribution of rights and entitlements and are often seen as more robust and legitimate. Wider participation in the bargaining process can make a political settlement more inclusive but does not necessarily guarantee this. Though inclusive political settlements may be more sustainable, citizens may be happy to allow elite capture of the state and associated entitlements, if it prevents a return to conflict. Even where there is elite capture the state may be somewhat responsive to ordinary citizens.

Civil society's role in peace settlements

Arguably, the concept of political settlement is designed to sideline the role of citizens, and to focus on elites to better understand how political settlements are made. Consequently, the most relevant literature uses other terms such as peace settlements, rather than the term political settlements, and focuses on negotiations, and creating and sustaining peace agreements. The role of citizens is often understood in the context of civil society. Though this literature often uses associations as a focal point, it still covers actions undertaken individually (e.g. voting in referenda).

Statistical analysis of peace agreements shows that the inclusion of civil society actors in peace processes increases the durability of peace (Nilson, 2012). Paffenholz (n.d.) argues that civil society can also: better address underlying conflict drivers; counterbalance elites; include broader interests; increase ownership and accountability; shift public opinion; and provide expertise, knowledge, and a safe space to work together. She identifies the core functions of civil society in peace functions as monitoring, advocacy and facilitation, and notes others, such as elites may not be able to decide to what extent civil society creates, maintains, or even undermines peace settlements (Paffenholz, n.d.).

Paffenholz (n.d.) suggests that rather than question whether civil society should be included or not, it is best to identify how best civil society can be included. She identifies nine models (and provides illustrative case studies) for how civil society carries out these functions: direct representation, observer status, official consultative forums, consultations, inclusive post-agreement mechanisms, high-level civil society initiatives, public participation, public decision-making, and mass action.

2. Political settlement literature

Political settlement literature tends to focus on elites rather than citizens, with citizens and wider public generally seen as being passive beneficiaries of these settlements. For example, a DFID practice paper on peace- and state-building argues that 'political settlements are the expression of a common understanding, usually forged between elites' (DFID, 2010, p.22). These elites would have sufficient power and standing in the community to shape outcomes and influence the views and behaviours of others with elite power derived from multiple sources. These sources include popular support (sometimes through elections), the accumulation of wealth, control over the means of generating violence and waging war (warlord armies, private security operations, gang leaders) and religious authority.

In the GSDRC Issues Paper on Political Settlements, Di John and Putzel (2009) make no mention of citizens and refer to political settlements as a common understanding between elites or as bargaining outcomes among contending elites. They argue that the most theoretically robust definition has been articulated by Mushtaq Khan (e.g. Khan, 1995; 2000), where 'political settlement' is **'the balance or distribution of power between contending social groups and social classes, on which any state is based'** (Di John and Putzel, 2009, p.4). This refers to:

- **Intra-elite** contention and bargaining (political versus economic elites; landed versus non-landed elites; regional elites; rural versus urban; religious versus secular, etc.).

- Contention and bargaining **between elites and non-elites** (either within groups or across them, as between classes).

- **Inter-group** contention and bargaining (gender, regional, ethnic/linguistic, religious),

- Contention and bargaining **between those who occupy the state and society** more widely.

Di John and Putzel (2009) argue that political settlements are shaped by political organisations, and that political parties have been the most effective as acting as a bridge between civil society and the state. This definition would suggest that political parties and elites rather than citizens themselves are involved in, and have influence on, political settlements.
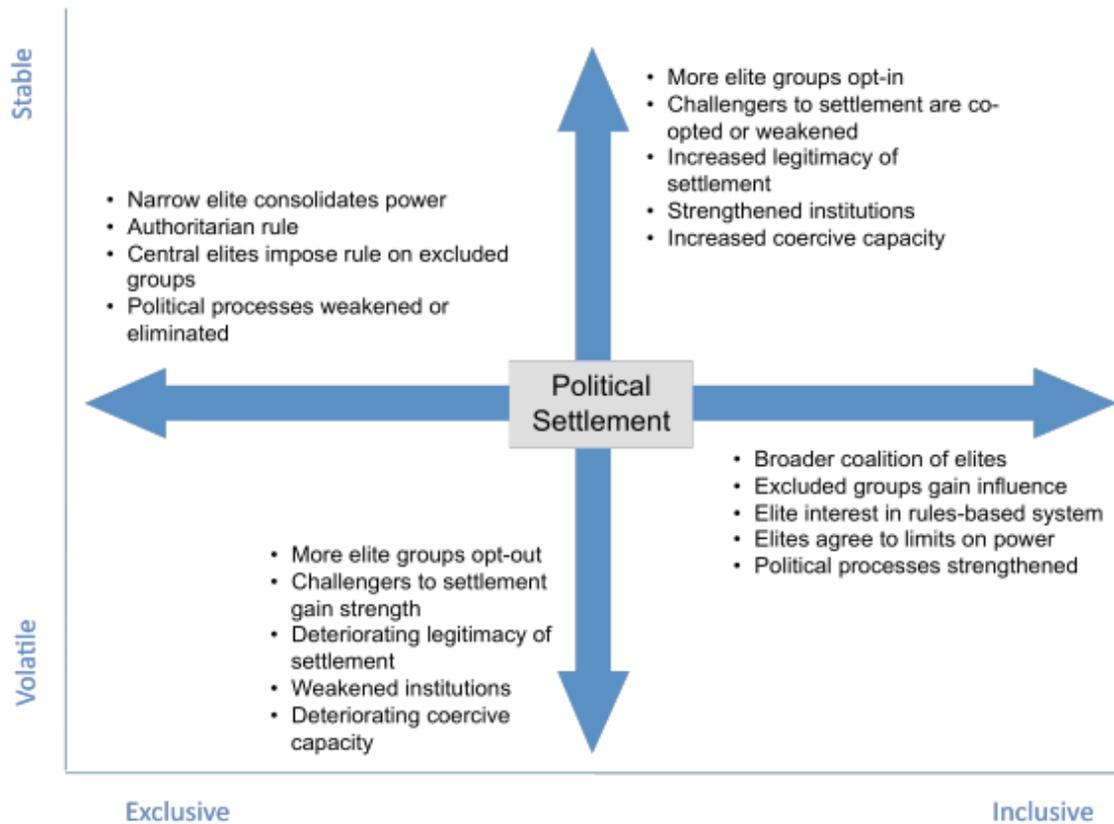
Where Di John and Putzel (2009) use the term inclusive political settlement they point out the term inclusive does not refer to the extent of participation in the bargaining process. Instead they suggest 'inclusive' refers to the distribution of rights and entitlements across groups and classes in society on which the settlement is based. An inclusive political settlement is one where the relations between the state and society, 'the social contract', are robust and legitimate. Broad-based participation in political settlements would not ensure that these political settlements are inclusive.

Citizens are viewed as beneficiaries of political settlements – rather than active participants in political settlements – as these settlements manifest themselves in the structure of property rights and entitlements, and these can provide benefits to social actors, such as citizens (Di John and Putzel 2009).

In their paper on political settlements with a focus on fragile and conflict-affected situations, Parks and Cole (2010) note elite capture seems to be unavoidable with newly formed state institutions primarily serving elite interests, with minimal accountability and responsiveness to citizens. The paper notes that citizens may be willing to accept elite capture of the state and the corresponding high levels of corruption and poor governance in the short term, if this appears necessary to avoid a return to violence. At the same time, though institutions may be shaped by elite interests, they will often benefit a much wider spectrum of citizens, including the poor.

The paper outlines a model (see figure 1) for measuring change in political settlements in which inclusive settlements are defined by access and influence by a wider range of citizens. In this model improvements in conditions will mean a move from volatility (e.g. fragile state with faltering peace process) to stability but also from a highly exclusionary political settlement to an inclusive settlement. An exclusionary political settlement involves narrow, entrenched elites whereas an inclusive settlement involves a widely representative coalition with a set of rules that allow open access to most citizens. In this model a political settlement can be stable without being necessarily inclusionary.

Figure 1: Factors that change the political settlement

Stable

- More elite groups opt-in
- Challengers to settlement are co-opted or weakened
- Increased legitimacy of settlement
- Strengthened institutions
- Increased coercive capacity

- Narrow elite consolidates power
- Authoritarian rule
- Central elites impose rule on excluded groups
- Political processes weakened or eliminated

Political Settlement

- Broader coalition of elites
- Excluded groups gain influence
- Elite interest in rules-based system
- Elites agree to limits on power
- Political processes strengthened

- More elite groups opt-out
- Challengers to settlement gain strength
- Deteriorating legitimacy of settlement
- Weakened institutions
- Deteriorating coercive capacity

Volatile

Exclusive　　　　　　　　　　　　　　　　　**Inclusive**

Source: Parks and Cole (2010), p.16

The paper argues that where political settlements have been conducive to development, stability has been guaranteed through security institutions and popular legitimacy. This legitimacy endured partly because the ruling coalition was relatively responsive to the interests of secondary elites and to ordinary citizens. It also argues that the role of citizens is to provide legitimacy and that what matters for stability is that citizens accept the political settlement and the governance outcomes that it generates as legitimate.

In relation to programme design, Parks and Cole (2010) propose an approach for improving centre-periphery relations. In regions affected by subnational conflicts, it is important to address the main drivers of the conflict, including discriminatory policies and political marginalization. The theory of change underlying this is that if a minority population believes that they can preserve their local identity while remaining loyal citizens of the state, then they will not support violent resistance again the state. The paper argues that if governance is responsive to the concerns and interests of minority populations, then they will seek to address their grievances through non-violent official channels instead of armed resistance. It also argues that if a minority population has greater control over governance in their region, then they will be less likely to pursue separation from the state through armed violence.

3. Civil society's role in peace settlements

Most literature relating to the involvement of those other than the belligerents and political elites in peace processes focuses on 'civil society' rather than citizens. Civil society can be described as various types of association, ranging from officially constituted institutions to small, informal community groups which give expression and direction to the social, political, spiritual and cultural needs of members (Barnes, 2009). Though the emphasis is on association this literature does include reference to individuals acting as part of the wider public in participative process (e.g. Paffenholz, n.d., see below).

Rather than the term 'political settlements', the most relevant civil society literature relates to peace processes and especially peace settlements. This report examines the wider literature on peace processes and identifies the most relevant insights to citizen involvement in political settlements. In particular, this report draws on an upcoming document by Paffenholz (n.d.) which focuses on civil society involvement in peace negotiations, which seem to be an area that is most relevant to the concept of political settlements. This upcoming document builds on and synthesises prominent material on civil society inclusion in peace processes (e.g. Barnes, 2002, 2006, 2009) but also includes insights from an ongoing project on broadening participation in peace negotiations (expert comments).

3.1 Benefits of civil society inclusion in peace settlements

Inclusion of civil society actors (such as trade unions, women's organizations, and religious actors) in the peace settlements **increases the durability of peace**, according to a statistical analysis assessing 83 peace agreements between 1989 and 2004 (Nilsson, 2012). Nilson (2012) also finds that:

- Peace accords with involvement from **both civil society actors and political parties**, in combination, are more likely to see peace prevail.

- **In nondemocratic societies**, the inclusion of civil society actors in the peace deal is of particular importance for the overall prospects for peace.

- **Inclusion of civil society actors is already quite common**; one third of the peace accords assessed have at least some kind of civil society involvement.

The author suggests that when the 'wider spectra of society become involved in a peace process this can increase legitimacy of the process, which in turn may contribute to durable peace' (Nilson, 2012, p.263). She also notes, however, that in this study it was not possible to distinguish between the different functions civil society actors undertake, and identify the most effective functions.

Paffenholz (2010, n.d.) argues that within peace processes civil society carries out three core functions:

- **Monitoring:** This can focus on either the peace agreement's main modalities or specific issues and provisions. Human rights violations generally take up a large part of the agenda.

- **Advocacy:** This can help put pressure on the conflict parties to reach an agreement or add important issues to the negotiation agenda. Advocacy can be done informally or publicly, using media campaigns and mass action, and can either support or oppose the peace agreement.

- **Facilitation:** This can take the form of backchannel talks by governments, international NGOs, NGOs, or civil society or business leaders. The issues addressed during facilitation can help build trust or develop proposals and ideas for solutions and compromises.

Paffenholz (n.d) criticises the current debate's focus on the question of whether or not to include civil society and instead advocates focusing attention on how and under what conditions inclusion can work. She notes that most of the current negotiation literature treats the decision to include or exclude civil society as attributed to the mediators or the principle negotiators. However**, the role of civil society is determined by civil society** and powerful mass action, for example, would be mostly out of the mediators' control. She suggests that mediators and negotiators consider civil society as an actor in its own right rather than a passive object of inclusion or exclusion and emphasises that broadening civil society participation in peace negotiations is possible without decreasing the negotiations' effectiveness.

Beyond increasing durability of peace agreements, Paffenholz (n.d.) identifies and summarises a number of advantages of including civil society actors:

- Civil society actors often **address the underlying causes of the conflict** beyond the immediate interests of the belligerents and **help counterbalance the existing elites.**

- More groups help ensure the **inclusion of broader public interests** in the negotiation agenda. This can lead to **greater ownership** and reduce the risk of violence to gain access to negotiations.

- Engaging civil society in the various stages of the peace process can promote **higher levels of accountability** among the conflict parties and **greater legitimacy** of the negotiations. This can, in turn, **lead to a shift in public opinion** on the process.

- Civil society can offer its **expertise and local knowledge**. They can support the mediation with analysis of the conflict and the peace process.

- High-level civil society initiatives can **provide a space** for testing out new ideas, conducting joint analysis or contributing to changes in the political culture on each side.

3.2 Models on civil society inclusion in peace settlements

Paffenholz (n.d.) identifies nine models which 'aim to capture the full range of options for the involvement of civil society' in peace settlements and peace processes (n.d.: p.13):

1. **Direct representation**: Representation at the negotiation, either as additional delegations to the negotiations or as part of official delegations.

2. **Observer status**: Direct presence during the negotiations.

3. **Official consultative forums:** Parallel to the official negotiations and endorsed by the mediators and negotiators.

4. **Consultations**: Less formal consultations without official endorsement from all the stakeholders.

5. **Inclusive post-agreement mechanisms:** Participation of civil society in implementation mechanisms.

6. **High-level civil society initiatives:** unofficial track 1½ and track 2 initiatives[1] in the pre-negotiation phase or parallel to official negotiations following a problem-solving approach.

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[1] Track 1 diplomacy is formal diplomacy that engages government officials to resolve conflicts between states. Track 2 diplomacy engages retired government and military officials, academics, activists, civil society members and individuals involved in the private sector and business to tackle specific issues that cannot be adequately addressed at the government-to-government level. Track 1½ diplomacy is a term to explain combined use of Track 1 and Track 2 diplomacy. Source: EastWest Institute (2013). *Frequently Asked Questions*. EastWest Institute. http://www.ewi.info/FAQs

7. **Public participation:** Involving the broader population via public hearings; opinion polls; town hall meetings or signature campaigns.

8. **Public decision-making:** Referenda and other elective forms putting major political decisions to binding public vote (e.g. peace agreements, constitutional reforms).

9. **Mass action**: Campaigns, demonstration, street action, protests, and petitions.

These models range from those with the most to the least direct involvement of civil society. It is important to note that these models are not mutually exclusive and civil society can be involved in several models of participation concurrently (Paffenholz, n.d.).

4. Case studies

Paffenholz (n.d.) includes a number of case studies to support each of the nine models of inclusion of civil society in peace processes:

4.1 Direct representation: Democratic Republic of the Congo (DRC)

The objective of direct representation is advocacy, enabling civil society to directly raise issues and build in provisions to create a larger buy-in to the peace process on the part of different constituencies, thus strengthening sustainability. However, in the case of the DRC, civil society's role was jeopardised by being bought out by other parties as well as limited bargaining power during the negotiations.

The 1999 Lusaka Ceasefire Agreement provided for the Inter-Congolese Dialogue in 2002. Here, UN mediators brought together the Government in Kinshasa, armed groups, unarmed opposition, but also civil society representatives to ensure broad societal consensus in the negotiations.

Positive factors and successes were:

- Mediators formed thematic groups and managed to avoid the difficulty of negotiating in large groups.

- Civil society was included in every power-sharing component of the agreement and gained several positions in the transitional government.

- Conflict protagonists often consulted with civil society in parallel discussions after the agreement was reached.

- The civil society representatives successfully integrated the concerns of civilians in the final agreement and reminded belligerents about the urgent need for peace.

Negative factors and challenges were:

- Conflict parties questioned the legitimacy of the presence of unarmed civil society representatives, particularly women, at the table.

- Civil society representatives did not function as a unified group but comprised multiple ideologies and viewpoints.

- Some civil society representatives were co-opted by negotiating parties via monetary gifts or promises of future political positions.

4.2 Observer status: Liberia

Providing observer status to the negotiations for selected civil society groups strengthens the effectiveness and sustainability of agreements. It can allow back channel facilitation and enable civil society to take up a role in implementation. In Liberia, civil society observers helped reach an agreement and strengthened its sustainability. The combination of strong civil society groups inside and outside the negotiations added more weight and helped strengthen their influence on the agreement.

The Women in Peacebuilding Network (WIPNET) led the 'Women of Liberia Mass Action for Peace Campaign', in part due to rebel and government reluctance to enter into peace negotiations. WIPNET met with President Taylor to persuade him to attend the peace talks and also encouraged rebels (through personal and family networks) to attend.

As the 2003 Accra Peace talks were progressing slowly, several women's organisations came together and sent representatives to monitor the proceedings and remind the conflict parties of the civilian costs of war. The 'Mass Action for Peace' campaign supported other civil society representatives that were invited to participate as official observers to the negotiations, such as the Liberian Bar Association, the Inter-Religious Council for Liberia, and the Liberian chapter of the Mano River Women's Peace Network. During the negotiations, women used both formal and informal discussions with the conflict parties to influence the peace agreement. In protesting against the slow negotiation progress, the women outside of the talks staged a sit-in, blocking the doors of the building in which the negotiations were taking place until the parties came to an agreement. This pressure gave civil society representatives on the inside greater impetus to push for an agreement.

4.3 Official consultative forums: Guatemala

Civil society forums act as a consultative body to ensure democratisation, effectiveness, and sustainability. These forums mainly act in an advocacy role for reaching an agreement as well as the inclusion of relevant issues in the negotiation agenda. Participants can also provide back channel facilitation and monitor the negotiations. In Guatemala, the civil society forum was successful in getting important but neglected issues on the negotiation agenda, though implementation was weak.

The Civil Society Assembly (ASC) in Guatemala formed in 1994 to gather a number of diverse civil groups into one platform to produce non-binding recommendation papers to both the Guatemalan National Revolutionary Union (URNG) and the Government. This was possible because:

- Civil society was effectively organized and had exerted considerable pressure for peace over the years.
- The URNG hoped to gain political support from civil society.
- Both conflict parties were keen to secure the legitimacy that civil society involvement would confer.

Most of these recommendations were taken directly, or indirectly, into account by the negotiating parties. However, an assessment of the implementation of the peace agreement ten years later found weak implementation. This was, in part, because civil society split up into different interest groups which hindered monitoring.

4.4 Consultations: Kenya

Consultations aim to make negotiations more effective and mobilise civil society to put pressure on the conflict parties. In this role, civil society performs the functions of advocacy and, to a lesser extent, monitoring. In Kenya, despite resistance of civil society participation by the conflict parties, civil society was still able to influence negotiations, helped in part by their being regarded as key opinion formers.

Failing to persuade conflict parties to agree to an official civil society consultative forum in 2008, Kofi Annan engaged directly with civil society actors. Annan and his team met with the civil society actors before and during the mediation process. They sought to develop a sense of people's expectations, their view of the conflict and its resolution, as well as the ways in which they could maintain pressure on the parties. The mediation team eventually regarded such informal exchange meetings as essential in the negotiation process.

4.5 Inclusive post-agreement mechanisms: Liberia

Including civil society in various post-agreement mechanisms can strengthen democratisation and the sustainability of the agreement. The key role here is through monitoring and advocacy. In Liberia, civil society increased their role and influence in human rights and governance reform following provisions defined in the peace agreement.

The 2003 Liberia peace agreement provided for the establishment of a new Human Rights Commission and a Governance Reform Commission. The Human Rights Commission worked directly with local human rights groups and civil society organisations to monitor and strengthen human rights in the country and the Governance Reform Commission included candidates nominated by civil society. In the National Transitional Legislative Assembly, seats were reserved for civil society members and after the transition period ended in 2006, civil society groups continued their role as advocates and watchdogs, participating in various national and UN forums in the country.

4.6 High-level civil society initiatives: Georgian-Abkhazian conflict

High-level civil society initiatives can take place prior or parallel to the official negotiations, bringing together representatives close to the leaders of the conflict parties offering them communication channels without the pressure to come to an agreement. These can strengthen the effectiveness of the negotiations, provide facilitation, and allow advocacy for specific issues to be included in the agreement. In the Georgian-Abkhaz conflict, the difficult political context and the hardening of official positions led the official process to end 2007. However, high-level civil society initiatives fostered a generation of ideas, relationships, and communication channels across the conflict divide.

In the Georgian-Abkhaz conflict, 20 dialogue workshops took place between 2000 and 2007, with more than 100 Georgian and Abkhaz interlocutors, facilitated and organised by a British and a German international NGO in partnership with a range of Abkhaz and Georgian NGOs This was termed the Schlaining process, and it helped bridge the gap between the official negotiations and civil society peace initiatives. Running parallel to formal negotiations, the civil society initiatives provided a secure, confidential space for influential actors on either side of the divide to engage with one another.

4.7 Public participation: Colombia

Public participation, such as public hearings, citizen panels or opinion polls, are a way of connecting large parts of the population with official peace negotiations. In contrast to the model of public decision-making (see below), the results of public participation are generally non-binding. The main objectives of public participation are to democratise the negotiation process, increase public buy-in and legitimacy, put pressure on the conflict parties, and to help sustain the peace process. In Colombia, though the peace talks failed, the public hearings helped enhance citizen involvement.

During the peace negotiations in Colombia between 1998 and 2002, the parties agreed to ensure civil society participation to agree on reforms for a new Colombian state. The public hearings were broadcast on television and focused on debating critical issues around economic growth, job creation, income distribution and social development. Reports prepared at the end of each public hearing were presented to the government and the rebel group negotiators.

4.8 Public decision-making: Northern Ireland

Public decision-making processes such as referenda or elections provide democratic legitimacy to a peace process, helping to ensure public support and the sustainability of the agreement. A positive vote gives decision makers a mandate to continue the process and counterbalance hardline constituencies in their own camps, whereas a negative vote can block implementation and put the peace process on hold. In Northern Ireland, civil society rallied public support for the negotiated peace agreement and facilitated the citizens' endorsement of the Good Friday peace Agreement in a referendum.

The parties to the Northern Ireland conflict were key participants in negotiating the Good Friday agreement but reluctant to fully support it, for fear that the agreement would not be backed by their constituencies. A number of citizen and civil society initiatives helped ensure endorsement in the referendum:

- Shortly after signing the agreement, a group of Northern Ireland citizens launched the 'yes' campaign in support of the peace deal in the upcoming referendum.
- A marketing firm was used to help design an effective logo for the pro-agreement camp: 'yes' was linked with the idea to 'move forward' whereas 'no' came to signify 'dead-end'.
- The 'yes' campaign presented the agreement as a fair political accommodation between unionists and nationalists. This helped target those most likely to tip the balance between success and failure – Belfast unionists and first-time voters.
- There was a handshake between the leaders of the two conflict parties, David Trimble and John Hume, at a U2 rock concert.
- Despite initial insistence on maintaining balance in reporting, the media eventually supported the peace deal.
- Public opinion polls helped the political parties to understand the views and opinions of the population.

4.9 Mass action: Sri Lanka

Mass action by citizens mobilise large amounts of people in the form of street protests or signature campaigns, and can create a general pro- (or anti-) peace agreement atmosphere. This can put pressure

on conflict parties to negotiate a peace agreement, but in some cases can cause the opposite – the rejection of a peace processes. Mediators or negotiators can rarely influence such mass mobilization. In the case of Sri Lanka, mass action supported war.

In Sri Lanka, popular mobilization has historically often taken place. During the 2002 peace process, the demonstrations against peace negotiations and the Norwegian mediation were more frequent and louder than were the demonstrations in support of the peace process. The popular support for the military victory over the separatist group in 2009 was in part attributed to the power of the pro-war movement which facilitators and the international community had underestimated.

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