

# Post-war Political Settlements

From Participatory Transition Processes to  
Inclusive State-building and Governance

Véronique Dudouet & Stina Lundström,  
with support from David Rampf

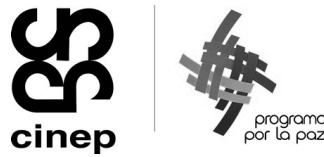
Research Report

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# 1 Introduction

The last decade has seen a growing **convergence of policy and research discourses** among development, peace and conflict, and democratisation experts, with regards to the **assumed benefits of inclusive transition processes from conflict and fragility to peace and resilience**. The realisation that the social, economic or political exclusion of large segments of society is a key driver of intra-state wars has prompted donor agencies, diplomats and peacebuilding practitioners, as well as the respective academic communities, to search for the right formula to support inclusive and participatory conflict transformation mechanisms and post-war state-society relations. While these various stakeholders profess rhetorical commitment to inclusivity, the term is used in very different and sometimes even in contradictory ways. There are profound **disagreements on who should be included in peace processes and political transitions, at what stage and to what end**.<sup>1</sup> Since the 2011 World Development Report introduced the concept of ‘inclusive enough’ transitions, many scholars located at the interface of development and peacebuilding have begun calling for more in-depth investigation on the premises, meanings, attributes and benefits of inclusive processes and outcomes (e.g. Jones et al. 2012; Castillejo 2014).

This research report aims to examine such assumptions and contribute to related academic and policy debates by presenting the comparative evidence that emerged from a **28-month collaborative research project** (February 2013-June 2015) funded by the International Development Research Center (Canada) and entitled “Avoiding Conflict Relapse through Inclusive Political Settlements and State-building after Intra-State War: Opportunities, Approaches and Lessons Learned”. The analysis is based on fieldwork data collected by six local research teams in **Colombia, El Salvador, South Africa, South Sudan, Aceh (Indonesia) and Nepal** in 2013-14, as well as numerous discussions on preliminary findings at various project events (partners meetings, as well as policy discussions and roundtables) in 2013-15.

One needs to acknowledge the difficulty in deriving generic lessons learnt from such varied case studies, or even to apply uniform criteria to assess the degree and impact of inclusivity – a highly subjective and context-dependent concept – across distinct cultural and geopolitical environments. However, some important trends and commonalities did emerge from the data gathering, analysis and cross-case comparison processes, from which one can attempt to generalise some key research conclusions and policy implications on inclusive peacebuilding and state-building.

This introductory section aims to present the background and rationale behind the research endeavour on which this report is based, before describing the key terms and concepts at stake and the methodology underpinning the project.

## 1.1 Background and rationale

The research which will be presented here builds on two previous participatory research projects on the role and self-perceptions of armed opposition groups in peace processes (2006-9) and security transitions (2009-12). Over the course of these projects, we observed an intriguing convergence of discourses on the subject-matter of inclusive political transitions and state-building among two unlike-minded communities, namely, armed insurgency groups and international peacebuilding/development agencies.

On the one hand, **demands for inclusive state-society relations lie at the heart of reform agendas promoted by armed insurgents**. In our previous research and training experience with leading members

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<sup>1</sup> This diagnostic was confirmed by an internal background paper commissioned to a member of this project’s Advisory Committee, Dr. Devon Curtis, on “The Origins and Multiple Meanings of Inclusivity in Peace Processes”.

from various non-state armed groups, we observed that:

- ≡ Armed opposition groups often emerge in contexts of weak and exclusionary governance, and build on the support of marginalised constituencies that are excluded from state power and resources (e.g. ethnic or religious minorities, lower class/caste, women, under-developed regions, etc.);
- ≡ These armed actors play crucial political/social/security roles during intra-state conflict, which must be recognised and taken into account during war-to-peace or democracy transitions;
- ≡ Combatants need credible guarantees that their interests will be promoted and protected by the new/reformed state before willingly restoring its monopoly of force;
- ≡ Inclusive governance incentives may convincingly offer such assurances and lead to constructive non-violent engagement.

Our research concluded that political transition and the restoration of a legitimate state monopoly on the use of force are interdependent processes, and their effectiveness rests on the complementary principles of inclusivity, participation and comprehensiveness (Dudouet 2009; Dudouet et al. 2012a, 2012b). With this project, we aimed to examine more in depth the post-war trajectories of power contending groups which emerged and mobilised around inclusivity claims during armed conflict, by interrogating (1) the extent of their inclusion in post-war state-building, and (2) in turn, their ability and willingness to adopt inclusive state policies. Our key question was thus the following:

- » *To what extent and under which conditions do former insurgents-turned-state agents (i.e. emerging post-war elites) promote a more inclusive political settlement – or merely replicate the exclusionary practices of former elites?*

On the other hand, this research project also stems from our realisation that in the last few years, **donors agencies located at the interface of peacebuilding and development support have placed inclusivity at the heart of international post-war assistance agendas**, in association with the term ‘political settlement’, which is seen as bridging both peacebuilding and state-building goals to bring about stability, legitimacy, accountability and resilience in conflict-affected countries (OECD-DAC 2011). The *New Deal for Engagement in Fragile States* signed in 2011 by the International Dialogue on Peacebuilding and State-building, a forum bringing together OECD members, fragile and conflict-affected states (FCAS), and civil society representatives, pledged to support (among other goals) “legitimate politics” by “foster[ing] inclusive political settlements and conflict resolution”.<sup>2</sup> Several key donor agencies such as DFID have been pioneering this quest for inclusive political settlements in FCASs (DFID 2010). The United Nations community is also embracing the concept of inclusivity in its multi-agency support for peace processes and post-war recovery; the term itself lies at the heart of several recent UN reports and reviews.<sup>3</sup> At the same time, as mentioned above, inclusivity has become such a fuzzy buzzword that there is no consensus on what it means, why it should be promoted, and what actual ‘benefits’ it may bring about for effective and sustainable peacebuilding and state-building. Three additional key questions thus underpinned our research:

- » *What are the dimensions of, and criteria for, inclusivity during political settlement and state-building processes?*

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<sup>2</sup> See [www.pbsdialogue.org/en/](http://www.pbsdialogue.org/en/).

<sup>3</sup> For example, a 2012 report of the UN Secretary General on civilian capacity in the aftermath of conflict identified ‘inclusive political processes’ as one of five priority areas (UNSG 2012). Moreover, the ten-year review of the peacebuilding architecture which was conducted in 2015 stresses in its introduction that exclusion is a key conflict driver, and that “reaching reconciliation and sustainable peace requires broad and inclusive participation” (UN 2015). The UNDP also has a large thematic programme on “inclusive political processes” ([www.undp.org/content/undp/en/home/ourwork/democratic-governance-and-peacebuilding/inclusive-political-processes.html](http://www.undp.org/content/undp/en/home/ourwork/democratic-governance-and-peacebuilding/inclusive-political-processes.html)).

- » *Under what conditions do inclusive transition processes lead to inclusive outcomes?*
- » *What are the actual attributes and benefits of inclusivity, in terms of governance legitimacy, effectiveness, empowerment, stability and resilience?*

## 1.2 Key terms and concepts

The key terms at stake in this research were defined collectively by the network of project researchers in order to harmonise the country teams' approaches to fieldwork, and in the hope of contributing towards bringing analytical clarity to policy discussions on the relations between political settlements, peace processes, peacebuilding and state-building (1.2.1.), on the linkages between inclusive transition processes and outcomes (1.2.2.), and on the nature, legacy and legitimacy of emerging post-war elites – and especially former armed power contenders turned policy-makers (1.2.3.).

### 1.2.1 Political settlements

#### Definition and key characteristics

The concept of political settlement was introduced in the last decade in debates on state reform within the policy-oriented literature on development, fragility and conflict, with the implicit purpose of shifting away from technical and state-centric approaches to international development support (e.g. Whaites 2008; di John and Putzel 2009; Barnes 2009; Asia Foundation 2010; OECD-DAC 2011; Rocha Menocal 2011; Khan 2010). Although the term itself has been variously defined, one of the most commonly used definitions characterises it as the **“expression of a common understanding, usually forged between elites, about how power is organised and exercised”** in a given state (DFID 2010).

Two reasons prompted us to extensively refer to this concept in this research. Firstly, it places primary emphasis on dominant power arrangements or ‘rules of the game’ in a country, along both horizontal and vertical dimensions: it is located at the **interplay of inter-elite bargaining and elite-society engagement** (Barnes 2009, 3). One of our goals was thus to interrogate the role of non-elites, or new/emerging elites, in bringing about new political settlements that are more reflective of, and responsive to, the needs and make-up of society.

Secondly, the concept of political settlements encompasses the **articulation of power arrangements through both formal/explicit and informal/implicit mechanisms**. On the one hand, they are anchored in peace agreements, new constitutions and other legal texts codifying the nature of the state; on the other hand, they also reflect the unarticulated understandings that underpin a political system, such as customary, unwritten rules and regulations on political, social, cultural or economic arrangements (e.g. on land distribution and property rights, caste system, religious norms, etc.). In fact, despite the term ‘political’, political settlements encompass a much wider range of actors and arenas beyond institutional politics. For instance, they are **strongly anchored in socio-economic arrangements** and ‘rules of the game’, and in fact, research in this field has so far been dominated by political economists. We found these distinctions a great contribution to the study of post-war peace/state-building, as they underline the need to encompass both the arenas of official negotiation and decision-making and the informal realm of elite ‘realpolitik’ bargaining; they also shed some light on the techniques used by established elites to resist attempts to transform the socio-economic power arrangements which lie at the root of conflicts.

## Linkages with conflict transformation

All societies, peaceful or not, are regulated by political settlements. In turn, political settlements are never static or eternal but rather in constant evolution, shaped by ongoing power struggles and their outcomes. However, their major developmental crises tend to occur during times of intense socio-political conflict. There is indeed a **dialectical relationship between political settlements and armed conflict** (Barnes 2009). On the one hand, exclusionary settlements characterised by unresponsive states lacking legitimacy in the eyes of large segments of a population provide a fertile ground for conflict, as demonstrated by studies on the linkages between state fragility and conflict (e.g. World Bank 2011). When political elites exploit social and economic injustices instead of generating public goods, there is a bigger likelihood of excluded societal actors (re)lapsing into violence if they do not feel represented in formal institutions. On the other hand, armed conflict serves as a driver of change to the existing political settlement. Through armed struggle, conflict actors seek to gain sufficient leverage to impose or negotiate a settlement beneficial to their interests, be it by seizing state power from the actual regime, reforming the state, or creating a new nation state.

**This research focuses on the ‘un-settling’ of pre-existing power arrangements during armed conflict and subsequent peace/state-building processes, and the engineering of new settlements through negotiations and dialogue between incumbent and newly-emerged elites after war.** The term political settlement can be used in reference to both this process and the resulting agreements/understandings. Political settlements are not synonymous with ‘conflict settlements’ or ‘peace agreements’; the latter are concerned with resolving the immediate and underlying causes of violence through dialogue between the main conflict protagonists, while the former address underlying relations within elites, as well as between state and society. Nevertheless, these processes are closely interconnected. Indeed, peace processes usually set the stage for carrying out structural state reform through new, formal power arrangements, and thus offer a window of opportunity to negotiate a more inclusive political settlement, by creating a new social contract between ruling elites as well as between citizens and the state, based upon mutual rights and obligations (Ghani and Lockhart 2007; DFID 2010).<sup>4</sup>

## Interrelations with state-building

One of the main tangible outcomes of a political settlement, often pushed for and prioritised by international agencies under the ‘state-building’ label, is the creation of new or reformed institutions (including governments, legislature, security/justice sector and political parties). At its core, the concept of state-building indeed refers to the **technical and political process, most often led or supported by external actors, aimed at strengthening formal governance institutions** and enabling them to provide physical and economic security to citizens (Chandler 2006: 1).

Being a highly normative concept, state-building implies that there is an ‘end goal’ to what a state should look like and how it should function, meaning that generic blueprints and roadmaps can be used by the international community when supporting state-building processes. Usually, such models include, but are not limited to: “security and the rule of law; transparent and efficient bureaucratic institutions; the provision of essential services to the population; the operation of democratic processes and norms; and the fostering of the conditions for market-led development” (Wesley 2008: 373).

Political settlements and the different interests and (dis)agreements on which they are based shape state-building processes in post-war contexts, since state-building elites and informal institutions engage

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<sup>4</sup> As will be illustrated in this report, political settlements might in turn act as enablers for peace processes. For example, the Colombian Constituent Assembly in 1991 incentivised the demobilisation of several guerrilla groups through peace accords, by offering them the promise of political participation in state governance.



in negotiation over how political power is exercised, which in turn affects the state institutions' capacity. For the purpose of this research, we thus frame **state-building as the technical and organisational processes stemming from political settlements**.

### Main stages and arenas of political settlement

During the project's inception phase, and building on an extensive literature review, we identified three main clusters or 'arenas' of political (re)settlement after armed conflict, namely:

- ≡ their **negotiation** through dialogue and decision-making platforms whereby traditional and emerging elites (and sometimes non-elites) shape the contents of new/reformed institutions and the formal and informal 'rules of the game' steering state-society relations. Such platforms might range from bilateral or multilateral peace talks to 'national' deliberation arenas including social and political sectors beyond the main belligerents (such as National Dialogues/Conferences or Constituent Assemblies), as well as consultative channels and informal decision-making spaces (created both within, or in parallel, to formal negotiation arenas);
- ≡ their **codification** through official texts formulating the outcomes of decision-making processes, e.g. peace agreements, constitutions or bills of rights, legislative reforms or other sectoral agreements;
- ≡ their **materialisation** through the transformation of state institutions (government, legislature, security/justice sector, political parties and informal institutions), state governance (how new elites in charge of running or participating in state institutions behave and interact with one another) and policy implementation.
- ≡ Our primary focus is placed on national political settlements (except in Aceh where the conflict was primarily waged at the sub-national level), but these have strong implications for local governance – especially where the root causes of conflict are located in regional or local power dynamics and marginalisation patterns.

Among the **six conflicts under scrutiny**, some research partners focused on one particular stage of post-war transition, deemed to be the most central arena where a new political settlement was enacted. In the case studies on **Colombia**, for example, a specific emphasis is placed upon the 1991 constitutional reform process, covering the stage of negotiation over its scope and architecture in 1990 right until the first few years of materialisation (i.e. in the late 1990s).

However, most case studies have adopted a broader outlook over the overall process of change from pre-war settlements to post-war state-building and governance, which in several instances (e.g. Nepal, South Africa and Aceh), is depicted by the respective authors as encompassing several successive or intertwined cycles of negotiation, codification and materialisation.<sup>5</sup>

In the case of **El Salvador**, the scope of enquiry entails the phases of initial negotiations in the 1980s to their codification through the 1992 peace accords and the materialisation of state reform until the Constitutional Chamber's new rulings on electorate processes and security sector reform in 2011-2013.

The **South Africa** case study reports cover pre-talks about talks in the late 1980s and successive rounds of negotiation and codification (the National Peace Accord in 1991, CODESA I in 1991, CODESA II in 1992, the Multi Party Negotiation Forum in 1993 and the 1996 Constitution), right until the recent review of the materialisation process with the 2010 Diagnostic Report by the South African National Planning Commission.

In **South Sudan**, the analysis covers the successive negotiations that led up to the codification of the Comprehensive Peace Accord (CPA) in 2005, independence in 2011, and initial materialisation attempts

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<sup>5</sup> The three arenas of political settlements listed here should thus not be understood in a linear, staged fashion, but rather as interlinked processes and outcomes which mutually reinforce each other through successive feedback loops.

interrupted by the December 2013 intra-elite crisis and relapse into violence; as well as subsequent attempts to negotiate a more inclusive settlement for South Sudan.

The studies on **Nepal** primarily cover the period 2005-2013, from the decision to launch a popular protest movement and the 2006 peace accord, to the successive attempts to forge a new constitution until the second Constituent Assembly elected in November 2013.

In the case of **Aceh**, the authors focus on the negotiations that led to the 2005 peace accord and its codification in the national legislative framework in 2006, followed by the transformation of local governance in the following years.

## 1.2.2 Inclusivity

Most discussions of political settlements focus on the central role of elites. As inter-elite pacts, all settlements are exclusionary to a certain degree (OECD-DAC 2011). However, as argued earlier, the emerging policy interest in inclusive political settlements since the World Development Report 2011 and the ‘New Deal’ has been prompted by the assumption that an inclusive negotiation and decision-making process over the features of governance after a civil war or a democratic transition will logically lead to inclusive state-building outcomes. While most of the existing policy and academic literature tends to focus on one or the other (i.e. process or outcome-related) dimensions of inclusivity, this report encompasses both. Our proposed definition of inclusivity (or its synonymous ‘inclusiveness’) refers to the **degree of access to the various arenas of political settlements by all sectors of society, beyond the most powerful (pre-war) elites – both by participating (directly or indirectly) in decision-making, or by having their concerns addressed by the state.**

Based on the literature that deals with inclusivity in peace processes, political transitions and state-building, multiple dimensions of inclusivity which could be relevant for the subject-matter under scrutiny were identified. These include for instance:

- ≡ **Intra-actor, inter-actor and inside/outside inclusivity:** inclusivity might be assessed within a single actor or institution; between different actors or institutions that come together as a negotiation or dialogue platform; or towards ‘non-elites’ who do not participate directly in political settlements.
- ≡ **Objective vs. subjective inclusivity:** subjective perceptions matter as much as objective measures when it comes to assessing the degree of inclusivity in political settlement mechanisms and state institutions. Indeed, in some contexts, participation in decision-making may not be as important as the perception that governance outcomes are reasonably acceptable to non-elites by being responsive to their needs and interests (Asia Foundation 2010).

The two main dimensions that will be stressed throughout this report, which thus merit further detailed explanation, are those of process vs. outcome inclusivity<sup>6</sup> and horizontal vs. vertical inclusivity.

### Process inclusivity

Process inclusivity (also sometimes labelled in the project’s case study reports<sup>7</sup> as ‘input inclusivity’) refers to the nature of negotiation and decision-making structures in political settlements. It can be measured by assessing the level of **participation** of (previously) marginalised actors in policy-making platforms (whether through informal, consultative or executive roles). We indeed consider participation as a sub-

<sup>6</sup> Our definitions of process and outcome inclusivity closely mirror the concepts of ‘procedural justice’ and ‘distributive justice’ which originate in the theory of law and have been applied by a few scholars to the field of conflict resolution (e.g. Albin and Druckman 2012).

<sup>7</sup> All case study reports were published as part of an online series called ‘Inclusive political settlements (IPS) papers’, and can be accessed here: [www.ips-project.org](http://www.ips-project.org).

component of inclusivity, which describes what, how and to what extent actors engage – and are allowed and invited to engage – in a decision-making process. In fact, as will be assessed below, to be granted access to a negotiation arena does not necessarily mean that one is partly or fully participating in it. Participation is strongly affected by the presence or absence of formal institutional guarantees (such as proportional representative quotas or power-sharing provisions), as well as the nature of the decision-making mechanisms (such as majority vote, minority veto right or consensus). Participation without power will be described in this report as ‘internal exclusion’ (Banks 2008).

Political settlements have been described by some authors as “two-level games” that involve both horizontal interactions between elites and vertical linkages between the state and society (Laws 2012). Accordingly, we will describe process inclusivity along the two dimensions of horizontal and vertical participation.

» *Horizontal (or inter-elite) inclusivity*

According to the concept of ‘**inclusive enough**’ coalitions introduced by the 2011 World Development Report (World Bank 2011), post-war transitions should involve the parties necessary to restore confidence and transform institutions.<sup>8</sup> However, the report itself does not further specify what these coalitions may look like, or when ‘inclusive enough’ is ‘good enough’ (Rocha Menocal 2011, 1274). Based on a review of the scholarly arguments in favour of inclusive negotiations and decision-making arenas of peace/state-building processes (e.g. Lindemann 2008; Papagianni 2009), and the recurring examples cited to illustrate these arguments (e.g. Burundi, Afghanistan, Iraq), we define horizontal inclusivity as the **participation of key stakeholders who have the capacity to implement and/or spoil peace and who represent important constituencies**. This includes groups and independent actors who in their own context are considered to be part of the traditional/incumbent or emerging post-war ‘elite’ and thus have economic, social, cultural, political and/or military power – ranging from governments, army leaders and political opposition groups (armed and unarmed), to business elites or large landowners, as well as religious and traditional authorities (Asia Foundation 2010).

» *Vertical (or state-society) inclusivity*

In contrast to the emerging scholarship on political settlements, the political science literature – and especially the participatory school of constitution-making (e.g. Banks 2008) – defines inclusivity and participation in terms of popular/citizens’ involvement in decision-making. In line with such approaches, we define vertical inclusivity as the **extent to which larger segments of the population have access to, and influence over, decision making – with a specific emphasis on (previously) marginalised societal sectors** who by tradition, culture or history have limited resources and entry points to access, influence and participate in the power infrastructure. These marginalised actors and groups are often (but not limited to) indigenous populations, women and specific regional, cultural, religious, linguistic or ethnic groups.

### **Outcome inclusivity**

According to Di John and Putzel (2009), determining how inclusive or exclusionary a political settlement is cannot be understood simply by looking at the extent of participation in the bargaining process, or at appointments in the offices of the state. It requires an analysis of the distribution of rights and entitlements

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<sup>8</sup> It also noted that there may be local legitimacy for excluding some groups or individuals, for instance if they have been involved in human rights abuses.

across groups and classes in society, which are the outcome of the settlement. They even postulate that an imposed political settlement may be more inclusive (in its outputs) than one reached through pluralist bargaining.

Outcome inclusivity thus refers to both the codification and materialisation arenas of political settlement and can be assessed according to two main dimensions:

- » *The **representativeness of state institutions vis-à-vis their citizens**, i.e. whether their composition reflect the structure of the society (by instituting gender/ethnic quota systems, power sharing provisions, electoral reform etc.);*
- » *The **responsiveness of key texts codifying the political settlement and their implementation, with regards to the distribution of rights and entitlements across groups and classes in society**: whether they favour dominant groups, or fairly and genuinely reflect the various interests and needs of all societal sectors.*

As already stated earlier, these dimensions can either be measured objectively, by examining the content of laws and policies; or subjectively, by exploring public perceptions towards state authorities across societal sectors: i.e. whether society's various constituent groups feel represented by power-holders, and/or consider that their concerns are being addressed by the state.

### **Assumed benefits of inclusivity**

Although inclusive transitions in situations of conflict and fragility may be supported by donor nations and other foreign interveners as a matter of principle or as an end in itself, efforts to broaden participation in political settlements are often also justified on pragmatic grounds (Asia Foundation 2010). The assumption is that the more inclusive a settlement is, the more legitimate, effective, empowering, stable and resilient it will be. As noted above, one of the aims of this research was to 'unpack' such normative attributes or values that are commonly associated with the concept of inclusive political settlement.

- » *Legitimacy*

The wording of the 2011 New Deal assumes a direct correlation between 'inclusive political settlements and conflict resolution' and 'legitimate politics'. Such linkages are justified in the scholarly literature by the fact that inclusive (e.g. public) participation in bargaining and decision-making processes contributes to societal acceptance and support for their outcomes (e.g. Papagianni 2009). This research thus aimed to find out **under which conditions participatory post-war transition mechanisms and/or inclusive state-building outcomes might enhance public perceptions of rightful and legitimate political settlements.**

- » *Empowerment*

Empowerment refers to an increased ability of marginalised actors to influence the different institutional arrangements that influence their own lives (Khan 2010). As political settlements are dynamic processes where power relations are continuously (re)negotiated, the inclusion of marginalised actors in post-war political settlements might thus offer a window of opportunity for them to voice, address and advocate their own social and political agendas and needs. However, as described above, some authors highlight the disconnect between participation and actual power or influence – as elites are often inclined to shape processes which appear to be participatory for the sake of legitimation but nevertheless retain the exclusive

power to influence outcomes (White 1996). We were thus interested in finding out **under which conditions negotiations over political settlements offer opportunities for the empowerment of marginalised communities and their (alleged) representatives**, such as power contenders, as a training ground for participation in decision-making and democracy-building; or whether political settlement processes and state-building mechanisms might instead be controlled by elites using pseudo-inclusive processes to maintain the status quo and assuage social unrest.

» *Effectiveness*

The effectiveness of state-building and governance is often defined in reference to the capacity of the state to fulfil its core functions and deliver key services – which is one of DAC’s ten Principles for Good International Engagement in Fragile States and Situations (OECD-DAC 2007). Although inclusivity is often associated with effectiveness in the literature on political settlements and peace/state-building (DFID 2010; Khan 2010; Rocha Menocal 2015), this relationship is also a matter of debate and raises a few dilemmas. During peace processes for instance, the multiplication of actors with divergent interests at the negotiation table may make a settlement harder to reach and lead to an unworkable compromise (OECD-DAC 2011: 31-32). Similarly, the drive towards inclusiveness and broad representation through extensive power-sharing provisions might be detrimental for state coherence and effectiveness – it can lead to such a dispersion of power and authority that a political system becomes paralysed and unable to carry out critical governance reforms (Rocha Menocal 2011: 1729). This research thus aimed to examine **under which conditions ‘more inclusive’ processes translate into ‘more effective’ governance**, but also to what extent the participation of new elites (especially former armed opposition leaders) in state-building mechanisms may affect the capacity of governments to perform their key functions.

» *Stability and resilience*

Finally, while ‘inclusive elite bargains’ and participatory state-building mechanisms are seen as being conducive to enduring peace and stability (Lindemann 2008; Ghani and Lockhart 2007), it has also been argued that exclusionary political settlements may become entrenched and stable, defying contestation for a long time. Empirical evidence suggests, however, that though exclusionary elite pacts may give the impression of stability in the short term, in the long run, exclusion and inequalities can contribute to conflict (relapse) and fragility (OECD-DAC 2011; Call 2012; Valters, Van Veen and Denney 2015). Given the title of our research project, we were particularly interested in finding out **what might be a ‘sufficient’ degree of inclusion of potential ‘spoilers’** (including power contenders, civil society actors and representatives of marginalised groups) **in post-war political settlements to prevent a relapse into violence and to increase the resilience of the resulting institutions in situations of abrupt social change.**

With regards, finally, to the normative underpinnings behind this research, we assumed outcome inclusivity (i.e. state responsiveness and representativeness) to be inherently positive, while aiming to take a more value-neutral approach to process inclusivity, by undertaking a critical examination of the conditions under which inclusive processes might help to bring about constructive outcomes.

The figure below synthesises the various components of political settlements and inclusivity which have just been described.

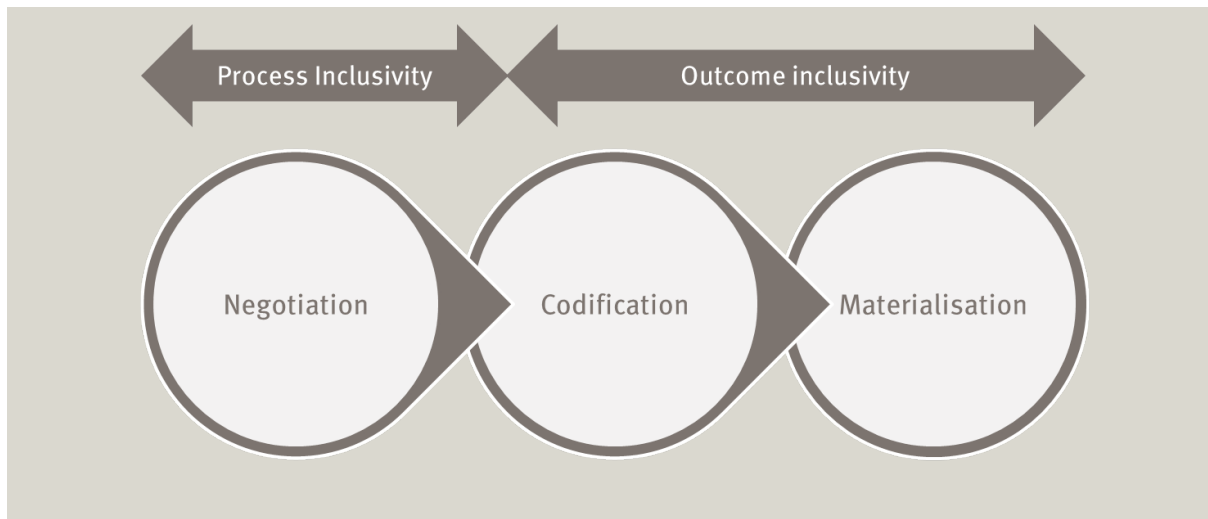


Figure 1: Arenas of Inclusivity in Post-war Political Settlements

### 1.2.3 Power contenders

The literature on political settlements focuses on the **role of elites**, defined as key state and societal actors who determine the formal power arrangements and informal ‘rules of the game’ in a given country. In the case studies considered, these included the political/economic (e.g. landowners) oligarchy in **Colombia** and **El Salvador**, the monarchy and high-caste Hindus of hill origin in **Nepal**, the ruling class within the white minority in **South Africa**, or state agents and security forces in **Aceh** and **South Sudan**.

By contrast, one of the unique characteristics of this study stems from its primary emphasis on new post-war elites emerging from former armed challengers of the state’s monopoly of force, given their explicit inclusivity claims during the period of armed conflict and their crucial role in shaping governance throughout the various stages of conflict transformation. **Non-state armed groups** have been variously defined; one of the most encompassing definitions characterises them as groups “operating primarily within state borders engaged in violent attempts to challenge or reform the balance and structure of political and economic power, to avenge past injustices and/or to defend or control resources, territory or institutions for the benefit of a particular ethnic or social group” (Ricigliano 2005). In our previous research, we also used the label “resistance/liberation movements”, to reflect these actors’ self-image and primary objectives (e.g. Dudouet 2009). This term also narrows down the scope of analysis to movements who contest the state’s claim to legitimate authority (as opposed to self-defence or pro-status quo militias).

In this report, the label ‘**power contenders**’ will be used in order to stress such actors’ governance claims and political agenda. This term intends to redirect the focus to the core of the problem: violent conflict over the legitimate use of power and responsibility for governing the people. Gaining, shifting or transforming power – this is what power contenders, no matter how they are labelled by their opponents, seek to attain. Additional attributes of power contenders include: their formal organisation in hierarchical and accountable structures; their use of violence to pursue their political objectives, and their readiness to respect the rule of law and the state monopoly over the use of force once the political change they strive for has been attained; as well as their reliance on the support of significant ethno-political or social constituencies, who consider them as legitimate representatives of their grievances and interests (Dudouet et al. 2012b).

All six conflicts reviewed in this research were waged by power contenders who fulfilled these key characteristics. In some contexts, one main contending group dominated the political arena: this was the case of the Free **Aceh** Movement (GAM), the Communist Party of **Nepal** (Maoist) (CPN-M), and the Farabundo



Martí National Liberation Front (FMLN) in **El Salvador** (made up of several distinct fronts). Elsewhere, multiple contending groups were fighting against the state as well as competing against each other (and at times allying) for influence and power, although one group had primary influence: this was the case of the Revolutionary Armed Forces of **Colombia** (FARC), the African National Congress (ANC) in **South Africa** and the Sudan People's Liberation Movement/Army (SPLM/A) in **South Sudan**.

In the literature on political settlements, it is generally assumed that peace agreements are signed by belligerents (representatives of the government and armed groups), while formal and informal decision-making on the 'rules of the games' is the domain of civilian elites (i.e. political parties) (OECD-DAC 2011, 31). However, in all six countries, power contenders made the shift from military to civilian elites, and were thus able to play a **central role in both peace processes and political settlements**, through their participation in negotiations and other decision-making platforms over the contours of state reform, such as constituent assemblies and national dialogues. All actors under scrutiny in this report indeed underwent a **decisive strategic shift from armed to peaceful power struggle via conventional party politics** over the course of peace processes and post-war peacebuilding. Eventually, they lost their 'power contending' attributes to become part of state institutions (governments, parliaments or local administrations). In state-building and democratic theory, political parties are seen as crucial actors in terms of mediating state-society relations. By shaping the 'social contract' between state and society, they attain power and influence to generate more inclusive political societies (Castillejo 2015: 1). However, parties in fragile and conflict-affected states are described as ill-fit for this purpose, as they tend to be disconnected from citizens, instead shaped by elitist initiatives, lacking popular bases and the representation of marginalised groups, and with little ideological orientation or programmatic content (Castillejo 2015; Reilly et al. 2008).

According to our past research however, political parties emerging from non-state armed groups present a very different profile, which enhances their potential for embodying inclusive politics – both towards their members and support base, as well as other societal constituencies. This research thus aims to contribute to the literature on political actors/institutions emerging from armed movements and their transitions "from bullets to ballots" (e.g. Manning 2004; Söderberg Kovacs 2007; Deonandan et al. 2007; De Zeeuw 2008; De Zeuw 2008; Clapham 2012; Dudouet et al. 2016).<sup>9</sup> It seeks to complement the existing bulk of research which primarily focuses on the factors of effective political (re)conversions, by assessing the impact of these actors' participation in policy-making and state governance, in terms of making the state more representative of, and responsive to, the various sectors of society. We will also examine these actors' evolving relations with other organised (unarmed) societal forces which seek their own share of political power or influence in post-war transitions, such as civil society organisations; as well as the constituencies from which they (claim to) draw their legitimacy and mandate, namely, marginalised communities.<sup>10</sup>

### 1.3 Methodology

The empirical findings presented in this report are mainly based on fieldwork data collected by local research teams in Colombia, El Salvador, South Africa, South Sudan, Aceh and Nepal, in 2013-14.<sup>11</sup> This sub-section presents the similarities and distinctness of the case study contexts, the range of coordinators, participants and advisors involved in the research, and the inclusive and participatory research design.

<sup>9</sup> The recent publication of two special issues on transitions from 'bullets to ballots' in summer 2016, respectively in the Journals *Civil Wars* and *Democratization*, testifies of the current popularity of the topic.

<sup>10</sup> In fact, some of the case study authors (i.e. Khatiwada 2014; Mabusang 2015) also use the label 'power contenders' in reference to marginalised communities themselves.

<sup>11</sup> All case study reports are published online as a part of the *Inclusive Political Settlement Series*. They are available on a dedicated website: [www.ips-project.org](http://www.ips-project.org), as well as on the Berghof Foundation website: [www.berghof-foundation.org/publications/](http://www.berghof-foundation.org/publications/). In addition to the case study findings, we also rely on other secondary sources in order to strengthen the evidence base on certain themes which were not covered by all project reports, especially on the role of the international community.

## Case selection

The six country cases share a number of **commonalities**:

- ✓ All six cases have **been explored in previous projects** (albeit with a different focus and perspective), which helped us benefit from pre-existing contacts, while strengthening and expanding the network of local researchers, informants, target groups and policy audiences. Through this project, we could also build on previous empirical findings, with regards to past or ongoing transition processes, to refine and deepen the existing analysis, especially by expanding our research horizon of the long-term state-building and governance stages of political settlements.
- ✓ All six countries/regions underwent negotiated peace agreements which gave way to new political settlements. **Former power contenders were central to these transitions** and as a result, they were able to (attempt to) implement their wartime agendas as emerging elites (at various levels of policy-making).
- ✓ When we started the project, one more commonality was the **absence of violent conflict relapse by the parties that had taken part in the political settlement, along historical conflict lines**. However, in the course of the research **South Sudan** went back to war (although along new dividing lines, i.e. within the new elite). Even though the remaining cases have not relapsed into civil war, they can hardly be considered as ‘peaceful’, as they are marked by high levels of social violence (**El Salvador** and **South Africa**), have been subjected to temporary violence by minority opposition groups or agent provocateurs during the immediate post-war period (**South Africa** and **Nepal**), or are affected by persisting armed conflict waged by parties who had been excluded, or had been excluding themselves, from the political settlement (**Colombia** and **South Sudan**).

Beyond these common traits, the six case studies are **dissimilar in several ways**. We have built on these differences in order to distinguish cross-case commonalities and generalisable patterns from case specific singularities.

- ✓ The six countries represent **two successive generations of war-to-peace/democracy transitions**. Three cases underwent such transitions more than twenty years ago and are currently in a phase of peacebuilding/democratic consolidation (**Colombia, El Salvador** and **South Africa**), while the other three transitions occurred less than a decade ago and are still in a phase of peace/reform implementation (**South Sudan, Aceh** and **Nepal**). Moreover, several peace negotiations and constitutional processes are still underway and they provide a great opportunity to transfer direct lessons learnt towards active participants in such decision-making arenas (**Colombia, South Sudan** and **Nepal**).
- ✓ The **geographic distribution** of the six cases allowed the project to cover a wide diversity of cultural and geopolitical contexts.
- ✓ Although all case studies depict protracted conflicts rooted in the collective experiences of exclusion experienced by certain social or ethnic groups, the **nature of their claims were quite dissimilar** – ranging from self-determination struggles to pro-democracy movements.
- ✓ The six cases represent a **variety of modalities and formats used for negotiation and decision-making**. Some cases went for inclusive ‘national’ arenas such as a national dialogue or constitution assemblies (**South Africa, Nepal** and **Colombia**), while others opted for formats whereby inclusion only occurred ‘horizontally’ (between incumbent and emerging elites), such as negotiations between the main conflict parties (**El Salvador, Aceh** and **South Sudan**). Some cases (i.e. **Colombia** and **South**



**Sudan**) even experienced a multiplicity of negotiation arenas and several resulting outcomes over the course of successive conflict settlements, enabling extensive intra-case comparative enquiry.

- ✓ These distinct processes logically resulted in **distinct codification formats** (from peace accords to new constitutions) **and state-building outcomes** (from limited legal reforms in **Colombia** and **El Salvador** to regime change in **Nepal**, state restructuring in **South Africa** and state formation in **South Sudan**).
- ✓ Finally, the respective **power contenders have reached diverse levels of success in post-war empowerment and political reconversion** (from leading a majoritarian government to forming part of the parliamentary opposition and participating in local institutions), and thus have different levels of access to state power and policy-making.

Given these vastly dissimilar trajectories, the project did not seek to carry out a systematic cross-country comparison of the respective degrees of inclusivity among all six transition processes and outcomes. Instead, it sought to explore the dynamics of negotiation, codification and materialisation within each case, before considering commonalities, dilemmas and factors of effectiveness or impediment that were found to be relevant in several cases despite their very distinct characters, and which might thus be identified as generic lessons learnt.

### **Research coordination, participants and quality control**

The project was **managed through a south-north partnership** between the Center for Research and Popular Education (CINEP) in Bogota, Colombia, in charge of coordinating the overall project, and the Berghof Foundation in Berlin, Germany, supervising the research activities.

The **local research partners** were comprised of a mix of well-established research institutions and newly-founded entities with promising potential. They were selected based on the following criteria: thematic expertise; capacity-building potential (both individually and as organisations); direct (personal or institutional) experience of the political settlements in focus (e.g. as activists, advisors or ‘insider experts’); direct access to marginalised voices in their societies and trustworthy/close relations with former power contending groups – most of whom are now in government. The research partner institutions were the following: **Aceh Policy Institute/API** (Aceh, Indonesia); **Faculty for Latino-American Social Sciences/FLACSO** (El Salvador); **Friends for Peace/FFP** (Nepal); **In Transformation Initiative/ITI** (South Africa); and the **Sudd Institute** (South Sudan). **CINEP** had a double function as overall project coordinator and case study research partner for Colombia. In addition to these partner organisations, several independent researchers contributed to additional case study reports in Colombia, South Sudan and Nepal. These were commissioned on the basis of the specific expertise or innovative angle which they could bring to the project.

An **advisory committee** of eight members brought together senior researchers with a record of experience in both theory-based and practice-related research on the subject-matter, as well as practitioners and experts from relevant international agencies (World Bank, OECD/DAC) and working in different continents (America, Europe, Africa and Asia). The Advisory Committee convened twice during the project period, to offer advice on the project design, evaluate initial findings, comment on the policy lessons learnt and develop a dissemination strategy. In the final project phase an external consultant was also contracted to conduct an in-depth evaluation of the various activities and draw some recommendations for future research and practice.

## Inclusive methods of enquiry

The project also entailed a **participatory design** in the sense that all partners contributed to defining and/or refining the research focus, key concepts, methodology and timeline in the initial planning phase, in addition to collaborating to both execute and evaluate the research activities. Moreover, the case study partners were the principal planners (selecting and inviting audiences, deciding on the focus of events, inviting panels and facilitators) and implementers for the policy dissemination events. We hope that this truly helped develop a sense of co-ownership, so that inclusivity became not only a subject-matter of enquiry but also a central feature of the methodology and ethos guiding the project.

Research teams involved in the six country cases authored (or coordinated) two to four **case study reports** each, investigating the various research questions at stake in the project. The first case study report produced by each team examined the degree of inclusivity in the process and outcomes of political settlements. The second report focused on the specific role and contribution of power contenders and the impact of their participation in governance, in terms of making the state more representative of, and responsive to, the various sectors of society. The focus of the third and fourth case study report was freely chosen by the respective teams according to their specific interests and the identification of specific research gaps in their own context. Most of these cases focus on specific actors such as lesser-known power contenders in **Colombia**, female combatants and international agencies in **Nepal**, and ‘progressive’ elites (such as the intelligence services or the business community) in **South Africa**.

The researchers used **complementary methods of data collection**, carefully selected on a case-by-case basis, according to their own backgrounds (from academic scholars to independent research consultants or NGO/IO professionals), the time dimension (i.e. past or ongoing processes), and the topic and target groups of the respective papers. These methods have included semi-structured interviews with representatives from elites, power contenders and marginalised communities; focus group discussions with various levels of membership of former power contenders; content analysis of written texts codifying the new political settlements (peace accords, constitutions, etc.), or other documents reflecting the agendas of former power contenders (e.g. speeches, political party programmes, etc); analysis of relevant secondary sources; as well as the authors’ personal experiences and recollections – as several case study researchers had been actively involved as power contenders, civil society activists, NGO practitioners/trainers or politicians in some of the political transitions under scrutiny.

All case study reports aimed to address the overall research questions through empirical data analysis. Draft versions of the first two country reports were presented and collectively discussed at a roundtable meeting in Cape Town (November 2013) and then underwent several rounds of review (by the research coordinators, an external expert who had co-facilitated the meeting, and in some cases, by local experts) and revisions. For their part, the research coordinators have delved into a comparative analysis of cross-country findings in order to identify both generalisable trends and context specificities – which are presented in this report. The contents of this report also draw from various presentations and discussions of preliminary findings during six project dissemination events, namely, three regional workshops that explored lessons learnt from regional cases for ongoing peace processes (Bogota in October 2014, Nairobi in November 2014, Jakarta in January 2015) and six local workshops that brought together case study researchers, informants, state officials, former power contenders and civil society representatives (San Salvador in November 2014, Kathmandu in January 2015, Banda Aceh in January 2015 and in three regions of Nepal in April 2015).

The Table below presents a synthesised summary of the six cases under scrutiny, highlighting the diversity of transition processes and outcomes which they represent.

Table 2: Background and Outcomes of Post-war Political Settlements in the Six Country Cases

Country/region	Nature of the conflict	Peace accord	Text codifying state reform	Current status of former power contenders	Violence relapse by primary contenders
Colombia	Governance	1990/1 <sup>12</sup>	Constitution	Individuals in politics	No <sup>13</sup>
South Africa	Governance	1991	Constitution	Heads government	No
El Salvador	Governance	1992	Legal reform	Heads government	No
Aceh	Territory	2005	Legal reform	Heads local institutions	No
South Sudan	Territory <sup>14</sup>	2005	Constitution <sup>15</sup>	Heads new state	Yes
Nepal	Governance	2006	Constitution	Heads (power-sharing) government	No <sup>16</sup>

Having clarified the terminology, concepts and methodology at stake in this report, the following sections will successively present the evidence which emerged from the research with regards to both the short-term stage of negotiating new post-war political settlements as well as the longer term stage of state reform or state-building. **Section 2** reviews the background leading to new political settlements: societal contestations against exclusionary states, armed mobilisation in the name of inclusive reform, and windows of opportunity for renegotiating the distribution of state power. **Section 3** aims to assess, compare and explain, the levels of inclusivity in negotiations/decision-making and codification arenas. **Section 4** examines the degree of materialisation of codified settlements across various sectors of state reform and state-society relations, before exploring influencing factors which affect the capacity and willingness of incumbent and emerging post-war elites to implement representative and responsive state policies, as well as various procedural mechanisms conditioning their ability to do so. **Section 5** focuses on the linkages between process/outcome inclusivity and post-war relapse into violent conflict. Finally, **Section 6** summarises the main findings and offers some lessons learnt for international actors.

<sup>12</sup> Several guerrilla groups signed peace accords with the Colombian government: the 19th of April Movement (M-19) in 1990, and the Popular Liberation Army (EPL), the Quintin Lame Armed Movement (MAQL) and the Workers Revolutionary Party (PRT) in 1991.

<sup>13</sup> The FARC and ELN guerrillas have continued to engage in armed insurgency. However, none of the groups that demobilised in the early 1990s went back to war.

<sup>14</sup> Prior to the 2005 peace accord, some members of the SPLM did not pursue a self-determination agenda in South Sudan, but rather a governance reform agenda in the whole of Sudan (i.e. fighting for a 'New Sudan').

<sup>15</sup> In South Sudan, the Constitutional Review process is still ongoing. However, it was suspended after the outbreak of violence in late 2013.

<sup>16</sup> The post-2006 transition gave way to violent riots in parts of the country and some attempts at organised insurgency, however, the primary power contender (i.e. the Maoist party) did not go back to war.

## 2 Power Contenders as Champions of Inclusivity

Although this report primarily focuses on the negotiation, codification and materialisation of new political settlements after intra-state conflicts, this section provides a brief overview of the conditions setting the stage for such processes, namely, the exclusionary nature of contested pre-war political settlements, the ways in which societal inclusivity claims arose and were formulated, and the impact of societal pressure on the decision by elites to renegotiate the distribution of state power and the rules of the game governing state-society relations.

### 2.1 Exclusion as a conflict mobilisation factor

As well evidenced in civil war and social movement theories (e.g. Gurr 1993; Tilly 2003), intra-state armed conflicts most often reflect deep structural patterns of (real or perceived) exclusion in state-society relations, prompting marginalised social and political actors to mobilise around claims for greater participation in political governance and socio-economic development. When deprived of institutional channels to express their grievances and repressed in their nonviolent expressions of discontent, they begin to contend the legitimacy of governing authorities and their monopoly over the use of force, leading to the emergence of armed opposition movements building on these constituencies. This is the scenario which unfolded in all six countries under scrutiny, according to ‘insider experts’ from (former) resistance/liberation movements who took part in our preceding research projects (e.g. Garcia Duran et al. 2008; Wandu and Zunzer 2008; Ogura 2008; Maharaj 2008; Martin Alvarez 2010). Although most of these movements emerged in a context of formal democracy (with a constitution and a competitive electoral system of government), they argued that there was only a pretence of democracy, and that the closed nature of the political system or highly unequal power structures had prompted their turn to armed struggle on behalf of an oppressed community or social group (Dudouet 2009).

Several case study reports offer a more detailed outlook of what pre-war exclusionary state structures and practices looked like, starting with political expressions of exclusive governance. For instance, in **Colombia** diverse power contender groups started mobilising from the late 1960s onwards against what they perceived to be a closed political system where only very few oligarchic families held power, leaving the peasants, the poor and the indigenous groups with little influence and participation in the political system (Rampf and Chavarro 2014a, 2014b). Similarly, according to opposition groups who later fought in the 1981-99 civil war in **El Salvador**, the great evils of Salvadoran society derived from social inequality, the concentration of wealth in a few hands, and a military dictatorship at the service of the oligarchy which had blocked all democratisation attempts – while civilian and democratic parties were too weak to present a real political alternative (Oswaldo López et al. 2015). In **Nepal**, Maoist insurgents attributed the exclusion of citizen’s democratic participation to the autocratic rule of the monarchy until 1990 and the inability of a nascent constitutional regime to instil real multi-party democracy (Khatiwada 2015).

Other case study reports framed political inequality in terms of majority/dominant versus minority/dominated societal groups. In **Aceh**, the oppression of native Acehnese is traced back to the failure of the central government to construct a nation state that offered equal rights for all Indonesians. One of the reports on **Nepal** also attributes the marginalisation of various constituent groups to “patriarchal norms, the supremacy of Hindu religion and a hierarchical caste system that can be traced back to the

very foundation of the State of Nepal in 1779” (Mabuhang 2015: 5). Unequal distribution of natural and state resources by ruling elites was also seen as a major cause of social and economic marginalisation, for example, with respect to oil revenue production and export in **South Sudan**. Finally, all the above-described forms of exclusivity were found in apartheid-era **South Africa**, where democratic rights were limited to a small white minority, while the vast majority of inhabitants were also prohibited from owning land, and suffered from economic exclusion and resource starvation.

## 2.2 Framing inclusivity claims

The social, economic and political agendas of power contenders during periods of active armed conflict usually revolve around a combination of class-based and/or identity-based revolutionary ideology, aimed at replacing incumbent governments or gaining local self-determination (Dudouet 2009).

**In contested states, armed struggle was launched by Marxist-influenced movements framing an inclusive and participatory vision of society through leftist ideologically-based principles for democracy** – although the demands for how inclusion should be practiced differed.

In the case of both Colombia and El Salvador, inclusion was understood as an opening of the democratic system to allow the participation of opposition parties and citizens in decision-making and governance. In **Colombia**, guerrillas were influenced by different versions of Leninism-Marxism, thereby describing inclusion as a class-struggle and as a wish to reconstruct the institutional design of the state. For example, the guerrilla M-19 framed inclusivity as ‘true democracy’ (*democracia plena* in Spanish).

In **Nepal**, successive ‘People’s Movements’ mobilised non-violently (most prominently in 1950, 1990 and 2006) to demand political change. The Maoists for their part waged a class war under the umbrella of “the people’s war” in order to bring about “full democracy”. This principle entailed demands for the demolishing of the monarchy, participation in the parliamentary system, the direct emancipation of previously marginalised groups such as the Dalits, Janajatis, Madheshis and women, and a full restructuring of the state into a federal republic. Another local catchword term used to embody the principle of inclusivity is *Loktantra*, which can be interpreted as inclusive democracy with full enjoyment of human rights, good governance, a proportional representation system, multi-party democracy and rule of law, all based on political consensus (Khatiwada 2015).

In **South Africa**, the objectives of the ANC spelt out in the 1955 Freedom Charter centred on the struggle for a non-racial democratic unitary South Africa in which all people had equal citizenship rights. Moreover, one of the key principles was political rights for the power contenders and to allow them to fully participate in the electoral arena. This also entailed, to some extent, a restructuring of the state with the riddance of the racial homelands. This inclusive agenda was contested by smaller power contending groups with Africanist or separatist claims (Graham 2014b).

**In divided states, the principle of democracy was translated by national liberation struggles as self-governance for their ethno-national communities**, through independence or other constitutional arrangements that would guarantee the recognition and protection of their identity and an equitable distribution of power and resources.

In **Aceh**, prior to opting for a national armed liberation struggle, Hassan Di Tiro, the historic leader and founder of GAM, argued in favour of a democratic and federal Indonesia as a solution for accommodating the various aspirations and differences of non-Javanese ethnic groups. Later, during the negotiations with Jakarta, inclusion became framed as political participation rights for local political parties and an advanced form of autonomy for the Aceh Province (Wandi and Patria 2015).

The principle of state restructuring was also seen as important to the SPLM in **South Sudan** – its historical leader, John Garang, strove for a multi-ethnic and multi-religious ‘new Sudan’, but the majority



of the movement favoured the demand for full independence in order to redress unequal centre-peripheral relations and the neglect of southern provinces by Khartoum.

With regards to **socio-economic rights**, demands ranged from claims for economic self-reliance and resource redistribution in **Aceh** and **South Sudan**, to ending feudal land-ownership and land distribution systems in **Nepal**, redistributing the states' land-owning rights and properties monopolised by large land-owning oligarchic families to peasants and small-scale farmers in **El Salvador** and **Colombia**, and ending resource starvation in **South Africa**. Several case studies highlight the progressive shift by some power contenders from a Marxist socio-economic agenda to the promotion of a 'mixed economy', e.g. the acceptance for the coexistence of private and state property, or market and planned economy (e.g. Rampf 2015).

## 2.3 Inclusivity as a strategy or an end in itself?

Although the concept of inclusivity was depicted above as an ideology- (or politically-) driven principle, several case study authors also framed it as a pragmatic method to reach strategic gains, such as social legitimacy, that might later translate into increased bargaining power at the negotiation table or electoral support in the post-war era. Inclusivity can thus be both described as a principle and a method, both of which interplay, feed into each other and are constantly renegotiated, challenged and re-interpreted by/ within power contending groups.

Power contenders' inclusive agendas, or at least, inclusive public identities, are particularly salient when institutional power has not yet been gained. During their armed struggle, in an effort to build momentum and provide for post-conflict longevity, amassing a strong following proves essential. **Excluded constituencies thus offer a rallying point and practical network** unavailable to state bodies tacitly allowing or blatantly systematising marginalisation. Governing regimes often concentrate power among elites, opening gulfs between the rulers and the ruled. Power contenders are able to capitalise on resulting disconnects between elites and common citizens by giving a 'voice to the voiceless' and advocating new social structures designed to redress inequality and injustice.

Several case study reports point to such strategic calculations. In **Colombia** for instance, the M19 saw public participation in its negotiations as a way of legitimising the peace process but also as a future power base for its political project (Patiño and Grabe 2014). These dynamics are described most explicitly in one of the case study reports on Nepal (Mabuhang 2015).

In **Nepal**, the Maoists' ethnicisation of class ideology came about simultaneously with a post-1990 ethnic upsurge by marginalised communities against the domination of hill high-caste Hindus, Brahmin and Chhetri (who comprise 30% of the population). For example, as part of their strategy to tap into identity politics and to win support among regionally-excluded communities, they made the establishment an autonomous Terai free from all kind of discriminations a central tenant of their political programme. In 2000, the CPN (M) also established a Madheshi National Liberation Front. However, the author claims that the true role of Terai-based Madheshi militants was to be a subordinate force in support of the CPN-Maoists' peoples' war, by providing them with a regional front and enabling them to develop locally-popular policies. Other excluded ethnic/caste groups such as the Janajati and Dalit (untouchable) communities were also represented within the Maoist hierarchy, making up 20 out of the 37 members of its central decision-making body. Furthermore, the party made some serious commitments to end untouchability and bring forth equality in terms of social, cultural, economic and political status. It also made gender equality one of the central elements of its agenda, devoting a whole section of its policy manifesto to women and family, and claimed that 30 to 50% of its People's Liberation Army (PLA) was made up of women. In spite of these highly-inclusive practices within the Maoist party, the author asserts that these merely served as instruments to catch the sentiments and emotional support of marginalised communities in order to support their class struggle agenda and their strive for power.

Power contenders' strive to raise public support actually provides marginalised communities and civil society with strong leverage to shape their alleged representatives' political agenda. The openness of some insurgent groups towards inclusive engagement and participation in their struggle also partly came about as a result of **bottom-up societal pressure**. In **Aceh**, GAM's open attitude towards engaging with civil society, especially during the peace process, was allegedly the product of pressure from different civil society organisations who questioned the right of GAM to negotiate on behalf of the Acehnese (Wandi and Patria 2015).

In most cases, power contenders and marginalised communities share close linkages of mutual support. Excluded social groups offered militants the opportunity for grassroots engagement and the foundation required for armed groups to develop and maintain a power position. In turn, they provided these communities with leadership and a potential platform for representation. The case study reports indeed denote an interest among power contenders in forging **alliances with mass-based social movements in the pursuit for a common goal**. Most Latin American guerrillas active during the 1980s, for instance, had both a military and a social (as well as political) front – including some of the constituting fronts of the FMLN in **El Salvador**, and most **Colombian** guerrillas including the MAQL. The latter, in fact, emerged as the self-defence armed wing of a pre-existing social movement, the Indigenous Regional Council of Cauca (CRIC) (Rampf and Chavarro 2014b; Armando et al. 2014).

According to all six sets of case studies, it was the combined pressure of broad coalitions made up of power contenders and civil society groups, united by a common goal for structural change, which forced the incumbent political elites to open the door for a negotiated transition to inclusive peace and inclusive democracy. In **South Africa**, the ANC became an integral part of the broad-based coalition of anti-apartheid organisations under the umbrella term 'Mass Democratic Movement' during the 1980s (Graham 2014b). In **Nepal**, the Maoist movement also joined forces with human rights and civil society organisations representing various segments of the marginalised in order to launch a peaceful revolution in 2006 (Khatiwada 2015, Mabuhang 2015). Similarly, in **Colombia**, the 1991 Constituent Assembly emerged as a result of the combined pressures of a massive campaign by student organisations across the country and several guerrilla groups who had placed constitutional reform on the top of their negotiation agenda (Rampf and Chavarro 2014a). As shown by these three examples, the power of armed and peaceful bottom-up mobilisation for change prompted ruling elites to unsettle the existing political settlement through power-sharing and structural reform, in exchange for the promise of security and stability.

### 3 Assessing the Nature and Outcomes of Participation in Negotiations/Decision-Making Arenas

In Section 1, negotiation arenas were defined as deliberation and decision-making platforms set up during peace processes and post-war transitions, whereby incumbent and emerging elites (and sometimes non-elites) could engage in joint decision-making on the shape and content of new/reformed institutions, and the formal and informal ‘rules of the game’ steering state-society relations. The main types of negotiation arenas were described as ranging from bilateral or multiparty negotiation tables to ‘national’ deliberation arenas which include social and political sectors beyond the main belligerents (such as National Dialogues/Conferences or Constituent Assemblies). It was further noted that political settlements are also influenced by informal decision-making spaces created both within and in parallel to formal negotiation arenas.

The key research questions addressed in this section are the following: which decision-making arenas are more/less prone to horizontal inter-elite inclusivity or vertical participation by non-elites, and which mechanisms support or hinder inclusionary practices within such arenas? What is the impact of (direct/indirect/‘cosmetic’) participation in decision-making processes on the contents of their codified outcomes? What forms of participation are more conducive to actors’ empowerment and influence on decision-making? What are the conditions for legitimate representation? And finally, how much inclusivity is ‘inclusive enough’ for efficient decision-making?

The aim of this section is to answer these questions by carrying out a comparative assessment of the relative levels, types and factors of inclusivity in the various negotiation and codification arenas in the six country cases under study. However, given the varieties of contexts at stake, we could not conduct any systematic cross-case comparisons; instead, we relied on intra-case comparison of the relative forms and impacts of participation in decision-making over time, i.e. at various stages of political settlements and conflict transformation processes. Therefore, this section does not put forward any generic or universal claims with respect to the inclusive or exclusive nature of a given type of decision-making arena (such as a Constituent Assembly), instead, it seeks to identify what specific arenas and mechanisms have promoted participation and responsiveness in each context.

The analysis is organised as follows: we first offer a general assessment of the propensity of each type of negotiation arena to lead to an inclusive process (3.1). We then contrast each of these with an examination of their written codified outcomes, which reveals that there is not always a direct correlation between the degree of (actual or perceived) inclusivity in the negotiation and codification of political settlements – in other words, process inclusivity does not seem to be a sufficient (and perhaps may not even always be a necessary) condition for outcome inclusivity (3.2). The third sub-section thus explores additional attributes which influence the outcome of participation: it offers a few lessons learnt and some concrete avenues to preserve and/or encourage empowerment, legitimacy, representation and effectiveness, during the negotiation and codification of inclusive political settlements (3.3).



### 3.1 Comparative assessment of process inclusivity

The **criteria used to assess process inclusivity vary extensively across the case studies**, according to the researchers' own backgrounds and local circumstances – within a spectrum of 'conservative' approaches focusing on horizontal inclusivity between old and new elites, and 'emancipatory' approaches centering on vertical elite-society inclusion. Some cases study reports (**Aceh**) assess inclusivity according to the extent to which all sectors within the primary negotiation parties (e.g. civil and military leaders, moderates and hardliners, exiled and local constituents) were represented – in addition to some forms of civil society/citizen consultation. Others (**Colombia, South Africa, El Salvador**) define inclusivity as the (right to) participation by the political opposition more broadly ('progressive' forces, leftist armed and non-armed actors, non-traditional parties) as opposed to the ruling elite/oligarchy. Finally, a third range of case study reports (**Nepal, South Sudan**) focus on the vertical participation (direct or indirect) of marginalised communities as the primary criteria for inclusivity.

Such discrepancies illustrate once more the difficulty to conduct any meaningful cross-case comparison with respect to the highly subjective principle of inclusivity. Nevertheless, the general trend which emerges from the case studies confirms the findings from two background papers commissioned for this research (Curtis 2015; Planta et al. 2015), namely, that **peace negotiations are more prone to horizontal inclusivity between old and emerging elites, while national deliberation formats are more amenable to the direct participation of representatives from non-elites**, i.e. marginalised communities.

#### Peace negotiations

Especially in their early stages (such as informal 'talks about talks'), peace negotiations typically take place in confidential settings, through direct or mediated bilateral talks between the primary conflict protagonists, namely, representatives of the state and one (or, more rarely, several) power contender(s). This was the case in all six case studies, where various cycles of peace talks took place between the primary contenders who restricted direct participation by external parties but made sure that the interests of their various constituents would be represented at the table. Communication channels with non-combatants and non-state actors were primarily top-down led and unidirectional, and they aimed to inform the broader public on the progress of the talks. The few instances of bottom-up influence were enacted through bilateral consultation schemes with one or the other party, as will be described below in Section 3.3.3.

In **El Salvador**, the official peace negotiations took place between April 1990 and January 1992 in foreign locations (Switzerland, Venezuela, USA and Mexico), behind closed doors and with a UN mediator as the sole official spokesperson of the talks. On the power contending side, the negotiating team of the FMLN was comprised of commanders from all five guerrilla fronts, while the government delegation included representatives from the Government, the army and the main political parties. The FMLN insisted on holding successive rounds, separated by substantive interim periods of several weeks, in order to consult with their internal decision-making structures and their constituencies (Oswaldo López et al. 2015).

In **Aceh**, the six-month 'Helsinki negotiations' in 2005, between representatives of the power contender (GAM) and the Indonesian Government, also took place abroad and in a secretive fashion – with the Acehnese and Indonesian public being kept informed, in general terms, about the occurrence of the peace process but not about its content. In fact, the Finnish mediator Martti Ahtisaari insisted on the discreetness of the process, which he saw as a sign of seriousness and commitment by the conflict parties and also as a 'spoiler management' strategy, to prevent eventual provocation attempts by hardliners on the most politically-sensitive issues (Wandi and Patria 2015).

In **Sudan**, the North-South peace process – described as an "arduous, expensive and frustrating process for the mediators" (Jok 2015a: 8) – took place from 1988 to 2005 between various negotiation

venues (Ethiopia, Nigeria and Kenya). The third-party mediators (led by an envoy from the East African regional bloc IGAD), initially proposed a format inclusive of all relevant political forces, albeit eventually, the negotiations became confined to the two principal warring parties, the ruling National Congress Party (NCP) and the then southern-based SPLM/A. Throughout the rounds of negotiations, delegates were selected by the top leadership according to the assumed level of seriousness and good faith by the opposing group (Jok 2015a).

In **South Africa**, early pre-negotiation talks in the late 1980s between the apartheid state and the ANC leadership also took place in a secret, bilateral and exclusionary fashion. However, two case study reports explore the role of particular segments of the white ruling minority in ensuring a horizontally inclusive process of power bargaining. The National Intelligence Service (NIS) initially participated in early ‘talks-about-talks’ to gather information on the ‘enemy’. Their involvement throughout the peace process also helped to socialise the most conservative segments of the elite to the inevitability of negotiation and to protect the talks from “malicious and malevolent forces on all fronts” (Marais and Davies 2014: 16). The business community also played a precursor role in initiating exploratory meetings with the resistance movements, paving the way for business leaders to become facilitators and advisors to the formal negotiations (Marais and Davies 2015).

## National Dialogues

National Dialogues are described in the literature on political transitions (e.g. Harris and Reilly 1998; Papagianni 2009; Kaplan and Freeman 2015) as being purposely inclusive by design, in terms of their mandate, nature and scope (as understood by the term ‘national’). However, only one out of six case studies included an actual example of a national dialogue.

In **South Africa**, the formal negotiation arenas set up after 1990 were highly participatory. The national conference that led to the signature of a National Peace Accord in 1991 comprised 27 groups – including various political parties, homeland leaders, traditional leaders, churches, business associations, trade unions and the media. The CODESA I and II multi-party negotiations which followed the Peace Accord, in order to agree on core constitutional principles, were also designed in a participatory manner and included several hundred delegates representing 19 parties, organised into various working groups. This made a “large number of citizens (...) intimately involved in protecting the negotiation process”, and led the delegates to assume that they collectively represented the needs, concerns and the grievances of the broader population (Graham 2014a: 11). Moreover, although some proponents choose to stay out of the direct talks, the door was always left open for any parties to join the process at any time – one power contending group, the Inkatha Freedom Party, only joined the final negotiations within days of the 1994 elections. The public was also informed in details about the contents of the negotiations, through newsletters established by civil society groups to convey and interpret the more important decisions being made, and through the media which had free access to the talks and covered them voluminously (Graham 2014a: 12).

The term ‘National Dialogue’ was also used in the context of **Colombia** in the late 1980s but with a different meaning – referring to a bottom-up social movement initiative. In order to collect further evidence from additional cases, we commissioned a background paper reviewing the principles and practice of inclusivity within various National Dialogue settings (Planta et al. 2015). Its findings strongly echo the evidence emerging from Constituent Assemblies, by stressing the importance of inclusive mechanisms across six stages of National Dialogue processes (mandate, preparatory body, selection of participants, composition of delegates, form of participation, decision-making process). For instance, based on evidence from Yemen and Iraq, the authors find that elite-brokered mandates might incite important conflict stakeholders or influential socio-political groups (when these failed to be consulted) to boycott the dialogue from the very onset.

## Constituent Assemblies

In cases where Constituent Assemblies (CA) were established, these are described by the case study researchers as the most inclusive decision-making arenas, in contrast to earlier or parallel peace negotiations. This echoes the recent trend depicted by constitutional experts towards more direct and extensive popular participation in constitution-making processes – through the introduction of new mechanisms for civic education and popular consultation, beyond referenda (Storaas 2015).

In **Colombia**, the 1991 CA was convened through an inclusive process of free and fair elections called for by a public referendum (the so-called ‘7<sup>th</sup> ballot’), completed by the direct nomination of selected representatives from newly demobilised power contenders. The proceedings were also truly participatory thanks to the introduction of preparatory commissions collecting people’s opinion and initiatives, in addition to sectoral committees and decision-making mechanisms combining consensual and majority voting systems (Rampf and Chavarro 2014a).

In **Nepal**, a CA was called for by the 2006 Peace Accord and convened in 2008 through a mixed proportional and first-past-the-post election. Its composition was highly representative of the makeup of society, mirroring the composition of the population by caste, ethnic or regional identity: women made up 33% of the seats, indigenous people (Janajati) 36%, the Madheshi ethnic minority 23%, and untouchables (Dalit) 8%. In addition, special seats were allocated to civil society leaders who had played a pivotal role in the People’s Movement, in recognition for their role in bringing about political change. The inaugural session of the CA embodied the inclusive mandate of the legislators, by officially abolishing the monarchy and declaring Nepal a democratic, secular and federal state. CA members took up active roles in the committees most relevant to their interests, e.g. those on the Protection of Fundamental Rights of Minority and Marginalised Communities, and on Restructuring of the State and Distribution of State Powers. In terms of decision-making, most committee reports were approved by consensus among all political parties. However, the CA was dissolved in 2012 (as detailed further below), and replaced by a second one (2013-15), which became comparatively less inclusive, as the proportion of delegates from marginalised groups significantly decreased (Mabuhang 2015).

In **South Africa**, a Constitutional Assembly was convened in May 1994 as a result of the first democratic election in the country’s history. Comprised of 490 members from seven parties (also acting as a National Assembly), it included a separate office tasked with facilitating the work of the delegates and organising a massive public participation programme, by soliciting input from the citizenry, interest groups and sectors, and by conducting public education campaigns about the constitution-making process.

One can thus identify a number of **common factors which made national deliberation fora (such as National Dialogues and CAs) particularly inclusive:**

- ✓ The wide **number of direct participants** beyond the traditional elite and power contenders (with the exception of parties who opted to exclude themselves from these arenas);
- ✓ The **degree of public participation in summoning these mechanisms** (e.g. through referendums), in selecting participants (e.g. proportional electoral systems) and in **validating or legitimising their outcomes** (e.g. through referendums);
- ✓ The **provision of guarantees for minority participation** (e.g. through gender/ethnic quotas or allocated seats for non-elite representatives or power contenders);
- ✓ **Decision-making mechanisms favouring minority positions**, such as consensus-building within sectoral committees or qualified majority voting ensuring that no political group could get any victory without support from other factions.

## 3.2 Impact of participation on the nature of codified settlements

As described in Section 1, arenas of codification can be defined as (signed and/or ratified) written texts that (re)define the prevailing political settlement. Often, these codifications are embodied in legally-binding statements on the rights and responsibilities of states and their citizens – including peace agreements, (interim and final) Constitutions, Bills of Rights, and sectoral laws or regulations.

All written texts need to be translated into practice in order to have a real and transformative effect in building more inclusive states and societies. However, an inclusive codification as such can be assumed to be a better pre-condition for a responsive and representative state, due to its defining and legally-binding status. A key purpose of this research was thus to explore whether one can identify linkages (if not strict causality relations) between the respective levels of inclusivity within decision-making processes and the resulting codified outcomes. In order to answer that question, one needs to **compare the level of actual participation of conflict parties and non-elites (marginalised political and social sectors) in negotiations over the contours of state reform, and the extent to which their grievances were addressed in written outcomes**. The examples cited below indicate that the reality is much more complex than a strict linear process/outcome causality. Various possible (and seemingly contradictory) trajectories were described by our case study researchers.

### Participatory processes resulting in inclusive codification

We found several instances where **a strong popular mobilisation for structural change**, through the combined efforts of social movement mobilisation and power contenders' armed actions, **was effective in pushing for the establishment of participatory mechanisms** in which these societal actors were invited to participate and formulate **progressive provisions to reform exclusionary areas of governance**.

In **Nepal**, “there was a direct link between the participatory nature of the people’s movement and the inclusive nature of the CA” (Khatiwada 2015: 17). Civil society leaders were nominally invited to join the CA and help formulate progressive human rights provisions.

In **South Sudan**, the 25% quota granted for women in all public bodies in the 2005 peace accord is explicitly linked to the negotiating parties’ recognition of women’s important role and contribution to the liberation struggle (Jok 2015a).

In **Colombia**, the power contenders, opposition leaders and marginalised communities’ representatives participating in the CA helped formulate the new constitution of 1991, which can be described as highly inclusive when it comes to improving the state’s representativeness and responsiveness vis-à-vis its citizens. For instance, the codified text states that a key function of the state is to “facilitate the participation of all in the decisions that affect them and in the economic, political, administrative, and cultural life of the nation”. By contrast, the previous constitution offered rather limited opportunities for political engagement and public participation. Moreover, the new constitution set out new ‘rules of the game’ by offering a number of participatory mechanisms for the public, both nationally and locally. It also facilitated the formation of new political parties and reformed electoral mechanisms to favour smaller political parties and proportional representation in Congress. Territorial reorganisation was another central subject of discussion by CA members – the final text includes some provisions on administrative decentralisation and political autonomy. In addition, minority groups were recognised as a central part of society by re-defining Colombia as a multicultural state (Rampf and Chavarro 2014a).

### (Vertically) exclusionary inter-elite bargaining leading to inclusive codification

Several case studies also confirmed the claim made by some scholars on political settlements (e.g. Di John and Putzel 2009; Asia Foundation 2010) that **under certain circumstances, process inclusivity might not be a necessary condition for outcome inclusivity.**

In **South Africa**, although the formal constitutional process (described above) was highly participatory, the contents of the 1996 constitution were mostly based on the text and principles laid out in the Interim Constitution, “understood to be the outcome of an exclusive deal” between the ruling party and the ANC, none of whom at the time had formal democratic legitimacy based on a free and fair election (Graham 2014a: 14). Nevertheless, the new constitution of 1996 was largely considered and perceived to be inclusive and responsive to the societal needs of the citizens in South Africa, due to its commitments to human rights, guaranteed representation for minority parties in decisions of legislatures, laws promoting “the amelioration of the conditions of the disadvantaged” (Principle V) and a bill of rights.

In **Aceh**, despite the limited role of Acehnese civilians (i.e. non-combatants) during the Helsinki negotiations, the resulting Memorandum of Understanding (MoU) is considered as a comprehensive political settlement addressing all major demands of the population, thanks to the principle ‘nothing is agreed until everything is agreed’ which guaranteed the inclusion of political, security, economic, human rights and transitional justice provisions into a single text. According to one case study report, “although the negotiation process itself was primarily inclusive in the horizontal, inter-elite sense”, the MoU “created an inclusive peace accord for all Acehnese people” (Wandi and Patria 2015: 11).

### Inclusive negotiations but contested codification

Among the various sequences of negotiation and codification unfolding in the six country cases, we also found some instances whereby **inclusive decision-making mechanisms led to imperfect or ambivalent written outcomes.**

Recent developments in **Nepal** demonstrate that the codified outcomes of highly inclusive negotiation arenas are not necessarily perceived as legitimate and responsive to the needs of most citizens. Seven years after the formation of the first CA and numerous delays caused by the failure of CA members to forge a consensus on the most controversial issues relative to the nature of state restructuring (i.e. type of federalism and state governance), the Constitution was finally adopted through a qualified (two third) majority vote in September 2015. Although many provisions do embody an inclusive vision of society granting more rights and resources to ethnic minorities and indigenous people, the settlement reached on state restructuring is heavily contested in some regions of Nepal. Marginalised groups such as Janajatis, women and Madheshis in the southern Terai region have mounted protests since they believe that the new constitution fails to address their interests and grievances, and will result in an uneven distribution of resources preventing some provinces from achieving long-term self-sustainability. The process by which these issues were settled is also criticised, as top leaders from the upper caste communities used the recent devastating earthquake of April 2015 as a pretext to fast-track the negotiations and agree on an exclusionary deal maintaining the dominance of the traditional political elites.<sup>17</sup>

In **Aceh**, the 2006 MoU between GAM and the central Government was a political document, not a legally-binding text. Hence, the parties were faced with the challenging task of translating the peace accord into a law codifying provincial governance by reforming the relations between Aceh and the central Government in Jakarta. In retrospect, this process has been described as involving a wide range of stakeholders with conflicting interests, leading to inconsistent interpretations between the Acehnese

<sup>17</sup> See for instance <http://thediplomat.com/2015/09/understanding-nepals-constitutional-crisis-a-conversation-with-prashant-jha/>



public, some conservative segments of society lobbying for the introduction of Islamic provisions (e.g. Sharia law), GAM and the Indonesian Government. In other words, this broad consultative process was seen as detrimental for the clarity and consistency of the resulting text. The process was also allegedly hijacked by the Government in Jakarta which was ultimately in charge of the codification of the new law, and which reinterpreted parts of the MoU for its own benefit. As a result, several key MoU provisions relative to power devolution and transitional justice mechanisms failed to be codified in the Law on Governing Aceh (Wandi and Patria 2015).

These two examples reveal that broadly consultative processes or formally inclusive arenas cannot prevent incumbent elites from hijacking or bypassing democratic procedures to codify reforms along their own preferences and interests; this might be especially the case when decision-making mechanisms become paralysed by acute polarisation between multiple parties holding seemingly mutually-incompatible positions.

### Exclusionary negotiations leading to exclusive codification

Echoing the recent Nepali developments which have just been described, other case study authors also identified instances of **decision-making processes lacking participatory components**, resulting in codified outcomes that **failed to address the demands and grievances of excluded constituencies**.

In **(South) Sudan**, the peace negotiations between the SPLA and the Khartoum Government were exclusive to those two actors only – it left out other key groups, including power contenders beyond the SPLA. As a result, the Comprehensive Peace Agreement (CPA), despite its promising name, is described as everything but comprehensive (Jok 2015a). In particular, the exclusion from the negotiations of ‘other armed groups’ that had fought the SPLA during the war led to the dismissal of their governance claims in the contents of the accord. Instead, these actors were only addressed through a provision that required them to join either the SPLA or the Sudan Armed Forces, without any clear mechanisms being laid out for such a process of integration, and without granting them any power to negotiate the terms of their absorption or militarily assert themselves anew. Moreover, the delicate issue of the future status of the three bordering areas of Nuba Mountains, Southern Blue Nile and Abyei was left out of the agreement, which vaguely called for ‘popular consultation’ on their status.

In **El Salvador**, given the lack of vertical inclusivity during the peace negotiations, the resulting agreements focused primarily on the core security and political agenda items put forward by the FMLN, at the expense of the basic needs and grievances expressed by Salvadoran society and especially marginalised communities. The contents of the accords reflect this imbalance: according to estimates, 68.6% of the accord provisions deal with demilitarisation matters, 18.6% are concerned with electoral and institutional reforms that would allow the FMLN to participate in the exercise of democracy, while only 12.7% of the measures laid down in the accords referred to economic and social issues (cited in Oswaldo López et al. 2015). As a result, the original demands of the organisations that made up the FMLN with regards to poverty, deficient work and living conditions, the lack of space for the full political participation of dissidents, and the building of a socialist society in which these injustices would be mitigated and a better distribution of wealth would be achieved, failed to be addressed by the Peace Accords (Ramos et al. 2015).

Such discrepancies in the relations between inclusivity in transition processes and written outcomes within the six country cases seem to indicate that **participatory deliberations do not, per se, offer sufficient (nor necessary) conditions for democratic and responsive power deals to come about**. One thus needs to more carefully examine what specific attributes of inclusivity – beyond the sheer number of participants in a given decision-making arena – affect the quality of the codified outcomes.

### 3.3 Three attributes of inclusive decision-making

Among the assumed benefits of inclusivity cited in Section 1.2.3, three attributes were found of high relevance in the case studies when it comes to examining the transition and path dependencies from negotiation and decision-making to the contents of the agreed outcomes: **empowerment, legitimacy and effectiveness**.

#### 3.3.1 Influence: overcoming power imbalance at the table

A primary factor which affects the impact of non-elites' participation in deliberation arenas on the contents of the agreed outcomes is the **disconnection between participation and influence**, or mere presence in a given arena and actual decision-making power. Indeed, participation in a decision-making body (whether a negotiation table, a CA or a National Dialogue) does not necessarily translate into a meaningful opportunity to influence decision-making processes and their outcomes. In the long run however, the 'internal exclusion' of non-elites (as defined in Section 1) brings with it the risk of turning such constituencies into 'spoilers', as argued in the case of **South Sudan**: "a superficial invitation to the table without genuine inclusion of their demands will also cause them to have superficial commitment to peace" (Jok 2015a: 7).

Several case study reports identify structural, institutional, cultural or technical factors which have impeded representatives from power contenders and marginalised groups from participating on equal terms with the incumbent elites.

In **Nepal**, the commission in charge of drafting a new constitution in 1990 encouraged representatives of the indigenous groups (*Janajatis*) to put forward reform proposals. These came up with progressive suggestions related to ethnicity, caste, language and religion, but according to one case study researcher, 90% of these were dismissed by the commission's Chairman on the grounds that they were "communal and useless", and that they dealt with "peripheral" issues raised by people lacking basic knowledge on constitutional matters (Mabuhang 2015: 8).

**Various means were used by power contenders as emerging elites to compensate for their technical imbalance** at the negotiation table or other formal decision-making arenas.

In **Colombia**, a number of representatives from demobilised guerrilla groups gained access to the Constituent Assembly without having had any prior experience in institutional politics, and with a war legacy of internal and inter-group division and competition. In addition, two delegates from the smaller guerrilla groups (PRT and MAQL) were not granted the right to vote. Former CA delegates recall a number of methods used to compensate such impediments, including by attempting to coordinate and unify their positions, to work diligently and to form an 'active minority' (Patiño and Grabe 2014).

In **Aceh**, the power contending group (GAM) took advantage of international support to counter-balance their asymmetrical power relationship with the Indonesian government. For instance, they invited some international experts to advise them during the 2005 Helsinki negotiations, which helped them to bring innovative options and proposals to the negotiation table, whereas in previous talks they had assumed a more passive role. The diplomatic interventions of the European Union and various foreign embassies were also effective in pressuring the Indonesian government to remain at the negotiation table (Wandi and Patria 2015: 7).

In **Nepal**, CA delegates from marginalised groups (women, Dalits and Janajatis) organised their own caucuses comprised of members from all parties, in order to promote the interests of their respective groups within the various political parties and CA structures.

We also found, in line with existing research on the gender dimension of peace negotiations (e.g. UN WOMEN 2012; Bell 2013; Paffenholz et al. 2016), that **women did not participate in negotiations and decision-making forums in equal numbers and on equal terms**, as compared with men. Women belonging to marginalised communities or social classes were particularly under-represented.

In **Nepal**, the drafting committee in charge of codifying the post-war Interim Constitution was comprised of six legal experts, representing political parties and pro-democracy and human rights groups who had taken part in the 2006 popular revolution. However, there was not a single woman in that committee (Khatiwada 2015). The central bodies in charge of negotiating the modalities of Maoists' DDR and army integration, the Special Committee and Technical Committee, did not comprise any women either (Bogati 2015).

When women did participate in decision-making arenas such as Constituent Assemblies or National Dialogue Conferences, selection mechanisms tended to favour those women who were close allies to the male leadership within their political party or power contender group. Hence, female representatives often primarily represent their political constituency and only indirectly/symbolically represent women as a marginalised group in their own right.

In summary, it can be asserted that participation only translates into influence on decision-making if accompanied by effective empowerment mechanisms. Nevertheless, one should not neglect the **symbolic importance of widened participation in terms of allowing marginalised communities to voice their concerns and join the formal political arena, regardless of the achieved substantive outcomes**. As expressed by a former power contender entering the political arenas for the first time in Colombia thanks to the Constituent Assembly, “the mere opportunity to rise and defend some issues which they identified as important was recognised as a victory in itself” (Rampf and Chavarro 2014b: 13). Therefore, even if inclusive participation does not translate into substantive influence, it might nevertheless lead to other forms of empowerment, including by helping to change elites' mind-sets and attitudes towards marginalised actors (Grävingholt et al. 2013: 48).

### 3.3.2 Representation through legitimate leadership

While participation refers to an active act of involvement or engagement, representation means that one's issues and concerns are interpreted, put forward, and negotiated by someone else on one's behalf. Some analysts suggest that the only realistic prospect for non-elite interests to be represented in political settlement bargaining in low-development or fragile states is through “patron-client relations”, which require elites to (at least partly) represent the interests of their broader constituencies in order to maintain legitimacy (Parks and Cole 2010: 23). Similar statements can be found in the peacebuilding community: as argued by the Swiss Mediation Support Project (MSP 2008: 14), “if the two people talking together are heads of states who are legitimate representatives of their respective people, such an exclusive process may be more effective and democratic than a very inclusive process with hundreds of people who have no decision-making power and no strong constituencies”. These analyses were confirmed by our case studies, which found that **genuine representation of non-elites' interests and grievances by political parties or negotiation teams is more likely to lead to outcome inclusivity than the 'internal exclusion' of appointed members of marginalised constituencies**. This was especially the case when participants to Constituent Assemblies or technical committees were appointed from above (e.g. by governments), and thus tended to be accountable to those nominating them, rather than to their claimed constituencies.

In **South Sudan**, the 2011 Interim Constitution mandated the President to nominate a National Constitutional Review Commission (NCRC) after consultations with political parties and civil society, to ensure that such a body “shall be established with due regard for gender, political, social and regional diversity of South Sudan in recognition of the need for inclusiveness, transparency and equitable participation” (GoSS 2011). A Presidential decree allocated twenty-five seats to SPLM members, sixteen were divided between 14 opposition parties, and two representatives from civil society and faith-based groups were allegedly “handpicked by the President”. According to critics, “all Commissioners were closely connected to the President”, making it irrelevant which party they formally represented (Storaas 2015: 19).



One commonality among the six country cases relates to the fact that **all relevant power contenders defined themselves as liberation or revolutionary movements mandated to carry out the will of the disenfranchised majority (including their civil society allies) at the negotiation table**. To a large extent, these claims also became endorsed by their constituencies who saw them as legitimate representatives of their grievances.

During the multi-party negotiations in **South Africa**, “the assumption was that citizens and their interests were being mediated through the political parties at the table. Similarly, it was agreed that the various armies and militias were also under the political control of one party or another, and that therefore, they did not need to be at the table in their own right. ... There was not a great deal of bidding from external organisations to be at the table, and the legitimacy of the negotiating parties was taken largely for granted” (Graham 2014a: 12). During the negotiations, President de Klerk even organised a referendum to demonstrate the public legitimacy of his peace policy. For its part, the ANC had the weight of numbers on the street, through its own organisation and that of its civil society partners such as the trade union coalition COSATU. Based on this legitimate representative power, the two main parties at the table – the governing National Party and the ANC – afforded themselves the right to apply the principle of ‘sufficient consensus’ whenever a decision could not achieve a full consensus among all negotiation delegates: the subsequent agreement of the two principal parties was sufficient to reach a decision.

In **Aceh**, both the Government in Jakarta and GAM’s exiled leadership took proactive steps to galvanise public support in Indonesia and Aceh ahead of the peace process. As mentioned earlier, critics raised by some civil society organisations who questioned GAM’s claim to negotiate on behalf of the Acehnese induced the movement to organise extensive consultations and to invite civil society delegates to join its negotiating team – which effectively boosted its credentials as an inclusive representative of the Acehnese people. This legitimisation process is described as an important breakthrough towards confidence-building between the two parties (Wandi and Patria 2015).

However, the legitimacy of power contenders’ claims to representativeness is contested by one of the case study researchers.

In **South Sudan**, both negotiating groups assumed to talk on behalf of their entire constituency. For the SPLM, this claim encompassed the South Sudanese and marginalised parts of the North in the Nuba Mountains and Southern Blue Nile, while the NCP claimed to represent the masses in the North, including those that were opposed to its rule. “This presumption of representing people that were not asked, gave each side the power to exclude other potential forces on account that their opinions and grievances were catered for and that they thus did not need to be represented at the peace talks” (Jok 2015a, 9).

In summary, our research shows that the outcomes of exclusionary elite bargains might be perceived as legitimate, as long as (incumbent or emerging) power-holders are perceived as genuine representatives of societal interests. Although it is scientifically challenging to assess the degree of societal legitimacy by those at the bargaining table, relevant formal or informal indicators of public support may be found in each context (such as referendums or media statements by civil society leaders).

### 3.3.3 Effective inclusion: four formulas

The literature on political settlements highlights the **potential dangers associated with an excess of inclusivity**, citing the argument that the multiplication of actors with divergent interests at the negotiating table may make a settlement harder to reach and lead to an unworkable compromise (OECD-DAC 2011: 31-2). One case study report on **South Sudan** also highlights the dilemma of effectiveness versus sustainability: on the one hand, bringing too many parties and interests to the negotiation table makes it harder to reach a consensus and might threaten the warring parties, jeopardising their political will to come to any agreement; on the other hand, the representation of actors and their grievances are prerequisite for broader popular support and legitimacy and thus to guarantee the sustainability of any signed agreement (Jok 2015a).

This final sub-section presents **different models of ‘inclusive enough’ deliberation processes** which might be put in place in order to reach a **genuine participatory process without impeding the efficiency of decision-making mechanisms**, while sustaining the interest of elites to ensure that they will abide by their commitments to comprehensive reforms.

### Incremental inclusivity

This first model starts from the principle that the search for ‘comprehensive peace accords’ (as labelled in Nepal and South Sudan) is unwise and unrealistic, if not a contradiction in terms. Given the fact that negotiation tables are not prone to inclusive participation (as assessed earlier), they should not be mandated with codifying solutions to substantive and structural conflict causes. Instead, **political settlements might be conceived as two-step processes, starting with ceasefire deals negotiated between the main opposing parties, and with a restricted agenda** focusing on immediate priorities and confidence-building measures (such as stopping violence and setting general parameters for a transformative agenda), **followed by participatory arenas to deliberate on the details of structural reforms** and peacebuilding mechanisms (i.e. in the political, security, socio-economic, human rights and transitional justice sectors).

To some degree, the principle of incremental inclusivity is inherent within most peace processes, which typically start behind closed doors before involving broader segments of the state, opposition and civil society. Closer to the approach advocated here, the peace accords negotiated with several guerrilla groups in **Colombia** in 1991 (i.e. the EPL, PRT and MAQL) were largely limited to the modalities for disarming, demobilising and reintegrating their combatants. However, these accords also granted them the right to participate in the Constituent Assembly (CA) in which the political settlement over the new ‘rules of the game’ would be negotiated and codified (Rampf and Chavarro 2014a).<sup>18</sup>

This model, finally, is very much in line with the proposed scenario advocated by one case study author (Jok 2015b) to resolve the ongoing armed conflict in **South Sudan**. Writing while the IGAD-led mediation process was still ongoing (September 2015), he argued for a sequential peace process that could start with an inter-elite deal focusing on stopping the killings and sharing power between the two main opponents (seen as a ‘means to greater ends’), to be followed by a comprehensive settlement that would address all major issues that caused a war, inclusive of all relevant stakeholders. Such a follow-up mechanism (that could take the form of a National Dialogue or Constituent Assembly) could be guaranteed by a strong political and financial commitment from the parties and mediating bodies.<sup>19</sup>

### Thematic multi-arena inclusivity

This second model follows a similar principle by **matching participation with the thematic focus at stake, but through simultaneous rather than sequential arenas of decision-making**. Indeed, it consists of setting up parallel negotiation tables, each of which would have a thematic focus and be comprised of the most concerned actors, including relevant social sectors, as a guarantee of vertical inclusivity.

During the 1989 negotiations between the Government and the M19 guerrilla in **Colombia**, bargaining on security matters (such as DDR and combatant protection schemes) took place exclusively between state (government and army) and power contender representatives. However, parallel talks on political

<sup>18</sup> A Presidential Decree issued in August 1990 attributed a seat in the CA to every armed group that was in an advanced stage of negotiations with the Government.

<sup>19</sup> Although this incremental model mainly applies to peace negotiations followed by more inclusive dialogue or decision-making arenas, other approaches may be more suitable in different types of bargaining processes. For instance, constitutional expert Elster (2012) suggests that the ideal constitutional writing process should be hourglass-shaped – involving a wide upstream debate before the election of delegates, a closed and secret debate among the delegates, and a wide downstream debate between the drafting of a proposal and its submission to referendum.

and social reform were set up by the M19 in the form of ‘analysis and consensus-building tables’, which involved various political parties as well as approximately 1,000 citizens from all social sectors. These talks were codified in a “Political Pact for Peace and Democracy”, later anchored into the final peace accord. Smaller tables were also set up to deal with issues of particular concern to specific constituencies, attended by the most relevant experts – such as Congress members and lawyers for talks on the regularisation of combatants’ legal status; peace advisors for talks on the rehabilitation of conflict zones, etc. (Patiño and Grabe 2014).

Similarly, many additional thematic tables might be conceived of, such as forums on transitional justice and reconciliation attended by war victims, forums on agrarian reform with the participation of peasant associations, etc.

In **El Salvador**, reforms related to the question of land ownership and socio-economic structural adjustments, which had not been dealt with in the peace negotiations, were taken up in the wake of the peace accords by the Forum for Economic and Social Consultation (FES), involving a wide range of representatives from the labour unions and peasant organisations, the Government, and the country’s most important business associations. It was allocated tasks related to land (re)distribution and transfer, the creation of effective mechanisms to protect consumers and the promotion of workers’ access to the property of privatised companies. Despite some major achievements in limited areas such as reforms of the labour code, it lacked sufficient political support to reach significant agreements, due to its timing – the momentum of the peace accords had been lost, all the more since these represented the cornerstone of the political settlement and were not followed by a more comprehensive codification process such as a new constitution (as in Nepal, SA and Colombia), or an overarching legal framework (as in Aceh).

### **Parallel consultation forums with built-in binding mechanisms**

One of the most common methods of broadening participation beyond the primary contenders during peace processes and political transitions consists of setting up **parallel channels for influencing decision-making processes from the outside, such as consultation forums, public surveys or citizens’ petitions**. A recent research project (Paffenholz 2015) examined various modes of inclusion in political transitions beyond direct representation at the negotiation table, including the role of consultations (both official and unofficial) and commissions. The study points to the importance of combining multiple **transfer strategies** (e.g. through handing over of reports to negotiators or mediators, or direct exchange with them), so that the outcomes of consultation channels can be more effectively fed into official negotiations or dialogue formats. Such forums were set up in several of our country cases, often with support from foreign NGOs or international agencies (such as the UNDP), however they all **lacked binding feedback loops and monitoring mechanisms** to ensure that issues and concerns raised by the participants would be effectively transferred to the negotiation table and integrated in their codified outcomes.

During the peace negotiations for **El Salvador**, which took place outside of the country, the opposition parties and civil society entities set up parallel tables in the country (such as a ‘permanent committee on national debate’ made up of 83 civil society entities) which formulated specific proposals to the peace negotiation table, both through public advocacy and by holding bilateral consultation meetings with the negotiating parties.

During the 2005 peace talks in **Aceh**, various civil society organisations demanded the right to be consulted on the substance of the negotiations. As a result, in the latter stage of the talks, various meetings were organised between GAM representatives and civil society organisations (CSOs) in Sweden and Kuala Lumpur (Malaysia), thanks to the support of the Swedish Olof Palme Center. These took place during the

breaks between successive negotiation rounds, and resulted in the integration of substantive civil society proposals into GAM's negotiation programme.

In **Colombia**, in the ongoing Havana peace negotiations between the Government and the FARC guerrilla, the parties have opted for a sequential thematic process negotiated by a limited number of stakeholders, with some forms of parallel consultations – including delegations of civil society (i.e. women, victims and ethnic minorities) in Havana, and thematic public forums which took place at the national and local level, and with members of the diaspora (Patiño and Grabe 2014). However, as the talks have been taking place in a confidential setting, it is difficult to consider the extent to which the recommendations fed through such channels have made their way into the thematic accords reached so far.

### **Informal deadlock-breaking mechanisms within inclusive formal arenas**

While the previous formula was concerned with designing inclusive avenues for influencing non-participatory arenas, this final one is geared towards eliciting **effective decision-making within inclusive deliberation bodies** such as Constituent Assemblies or National Dialogue conferences. The rationale is to enhance trust-building within polarised negotiation settings by supporting informal dialogue platforms as deadlock-breaking mechanisms. However, the empirical examples which we found in the case studies are quite ambivalent when it comes to the impact of such mechanisms on enhancing the inclusivity of the decision-making process and its codified outcome.

In **Nepal**, CA members agreed on the formation of a “High Level Task Force” comprised of high level political leaders and headed by the Prime Minister in order to resolve over 100 highly contentious issues that had not been settled, despite two years into the CA. This structure allegedly helped to reach a consensus on several key matters related to the judiciary and electoral systems. Moreover, many foreign donors and international agencies have organised or supported thematic meetings and workshops between key delegates from the main parties to the 2008-12 CA, in order to try and resolve the deadlock on key controversial issues, such as federalism. However, observers have also argued that precisely such informal forums have reinforced the secretive and exclusionary nature of bargaining in Nepali politics by establishing various channels which bypass the CA structures, thereby distracting legislators from reaching consensus within the formal setting of the CA committees and plenary sessions. Instead, the formal proceedings were ‘hijacked’ by informal spaces behind closed doors, dominated by elites’ realpolitik and the old rules of the game, which blocked progress in the official arenas (Grävingholt et al. 2013).

One of the background papers commissioned for this research (Planta et al. 2015) also described the ambivalent impact of deadlock-breaking mechanisms in national dialogue settings. While the national dialogue conference convened during the democratic transition in Yemen (2013-4) went to great lengths to be as inclusive as possible, notably by including small parties and important social groups such as women and youth, the final decision-making process was progressively removed from the large conference and delegated to a consensus committee: “a small group of delegates handpicked by President Hadi” (Gaston 2014: 6).

The four formulas which have just been presented, and this section as a whole, indicate that **there is no single path to inclusive peace accords or constitutional frameworks**. Different arenas (i.e. negotiations vs. ‘national’ decision-making settings), with different degrees of horizontal and vertical participation, may play useful roles at different stages of a political transition and to different ends (e.g. ending war or reforming state institutions). We also found that **no one single type of decision-making arena can be defined as either inclusive or exclusive by default**. Although Constituent Assemblies and National Dialogues tend to be more inclusive (especially at the vertical level of societal participation) than bilateral bargaining formats, **even highly participatory arenas might retain exclusive practices or regulations** with regards to certain issues and/or groups. **Inclusivity is also a highly relative concept which can only**

**be assessed comparatively:** a given political settlement cannot be described as inclusive per se, only as more or less inclusive compared with settlements which were previously in place. Furthermore, as argued above, **inclusivity cannot be grasped in isolation from mechanisms translating (horizontal and vertical) participation into power and influence, and/or guarantees for legitimate representation** (of societal groups and their demands). With regards to the tension between inclusivity and effectiveness, we did not find any occurrences of processes being overly inclusive or participatory. Instead, evidence points to instances of ‘wrong timing of a specific type of inclusivity in a particular context’. As demonstrated, a number of **creative options can be envisaged to effectively channel the preferences of actors who are not formally included in decision-making into the resulting codified outcome**. We now turn to assessing the materialisation stage of political settlements, by examining if, and under what conditions, inclusive negotiations and/or codified settlements translate into representative and responsive policy practices.

## 4 From Political Inclusion to Inclusive Politics? Materialisation of Post-War Political Settlements

In Section 1, we defined the materialisation of political settlements as the stage of implementation of codified legal frameworks and agreements. In other words, it refers to the creation and/or reform of state institutions (e.g. government, legislature, security/justice sector, and political parties), the transformation of informal governance norms (e.g. political culture, ‘rules of the game’), and more generally the long-term and gradual evolution of policy practices and state-society relations.

The six country cases represent two generations of post-war political settlements (i.e. early 1990s and mid-2000s), and have thus reached different stages of peace consolidation and state-building or state reform. As in the previous section, it proves a challenge to conduct any meaningful cross-country comparison of the levels and pace of materialisation of these new political settlements, due to the distinct features of the pre-war settlements, the heterogeneous inclusivity claims made by power contenders and marginalised actors, and the specific agendas put forward, negotiated and codified by incumbent and new elites in each setting. These in turn have impacted on the implementation of reforms (or the lack thereof), and on the degrees of inclusivity across institutions and governance sectors.

Despite these major differences, there are nevertheless some major recurring trends and patterns which arise from the six countries under scrutiny. On the one hand, most case study authors highlight **positive transformations towards greater political (and security sector) inclusion** of previous marginalised groups within state institutions and **progress towards formal democracy**. On the other hand, they also point to the **states’ relative failures to fulfil their promises with regards to delivering socio-economic equality**, addressing conflict victims’ claims to inclusive **transitional justice mechanisms**, or **tackling underlying exclusionary cultural and political norms** that influence the ‘rules of the game’. The graph below represents, in a very schematic manner, the various sectors of peace/state-building and their respective degrees of effective materialisation.

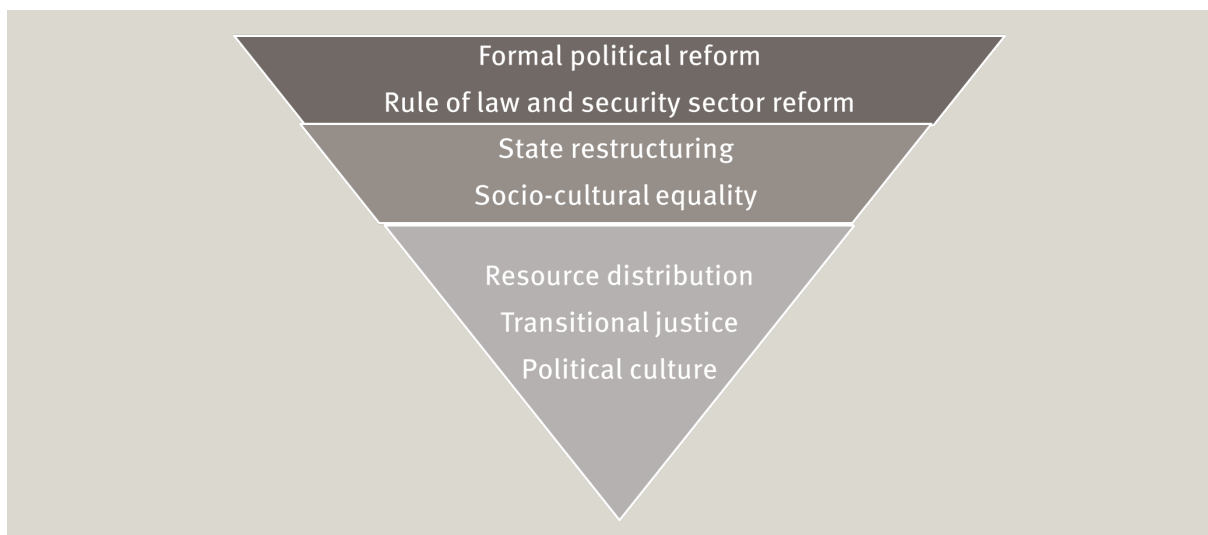


Figure 3: Outcome Inclusivity - Incomplete Materialisation of Political Settlements



This section examines the pace and extent of materialisation of codified settlements across various sectors of state reform and state-society relations (4.1.), before exploring influencing factors which affect the capacity and willingness of incumbent and emerging post-war elites to implement representative and responsive state policies, as well as various procedural mechanisms conditioning their ability to do so (4.2.).

## 4.1 Overall assessment of inclusivity in materialisation arenas

Outcome inclusivity in materialisation arenas might be assessed along two dimensions, namely, the representativeness of state institutions *vis-à-vis* their citizens (e.g. whether their composition and leadership reflect the structure of society), and the responsiveness of policy-makers with regards to the distribution of rights and entitlements across groups and classes in society. This first sub-section examines the extent to which the materialisation of state reform in the case studies at stake provided both power contenders and marginalised social sectors with access to governance, and addressed their various needs and interests.

### 4.1.1 Horizontal inclusion: former state challengers as emerging elites – or the new hegemon?

Horizontal and vertical inclusivity were introduced earlier as analytical tools to assess the participatory nature of negotiation and decision-making arenas, but they can also be used to analyse the degree of representativeness of post-war state institutions. In all six country cases, extensive political reforms have been implemented towards greater levels of political pluralism and state legitimacy. Competitive democratic elections have taken place, granting power contenders the legal opportunity to take part in national, local or provincial governance, and thus to put into practice their inclusionary wartime agendas. Although these processes have not followed the same sequencing and have not led to similar outcomes across the cases studies, we could nevertheless identify recurring patterns and mechanisms that facilitated such horizontal inclusion.

#### Actual inclusion of power contenders in reformed state institutions

**In all six contexts, power contenders entered the sphere of legal politics** by transforming into a unified party (ANC in South Africa, SPLM in South Sudan, Partai Aceh in Aceh, FMLN in El Salvador),<sup>20</sup> or by joining forces with other opposition groups to form a common party: the Democratic Alliance-M19 (AD-M19) in Colombia was primarily comprised of members from former guerrilla groups including the M-19 and EPL, and the UCPN-M was formed in 2009 in Nepal when the Maoists unified with the Communist Party of Nepal (Unity Centre-Masal). Such shifts to peaceful political participation were overall assessed as highly effective, even though the new entities met **various degrees of political success and longevity**.

#### Electoral results in first post-war multi-party elections:

- ≡ In **Colombia**, the AD-M19 gained 26.7% of the votes (second position) in the 1991 Constituent Assembly elections.
- ≡ In **South Africa**, the ANC gained 63% of the votes (first position) in the 1994 general elections.
- ≡ In **El Salvador**, the FMLN gained 21.4% of the votes (second position) in the 1994 legislative elections.
- ≡ In **Nepal**, the Maoists gained 30% of the votes (first position) in the 2008 Constituent Assembly elections.

<sup>20</sup> As described in the next sub-section, all these parties were affected by several internal splits since their formation.

- ≡ In **Aceh**, Partai Aceh gained 47% (first position) in the 2009 provincial parliamentary elections.
- ≡ In **South Sudan**, the SPLM gained 93% (first position) in the 2010 general elections.

#### Latest elections and current position:

- ≡ In **Colombia**, the AD-M19 no longer exists, however, some individual ex-combatants are still in politics at the national, provincial or municipal level.
- ≡ In **South Africa**, the ANC won the general election in 2014 with 62% of the votes (first position) and leads a majoritarian government.<sup>21</sup>
- ≡ In **El Salvador**, the FMLN won the presidential elections in 2014 (50.5%) and is the main opposition party in parliament.
- ≡ In **Nepal**, the Maoists gained 16% (third position) in the second Constituent Assembly elections in 2013 and became the primary major opposition party to the ruling coalition. The party Chairman Prachanda is currently heading a power-sharing government.
- ≡ In **Aceh**, Partai Aceh won the provincial parliamentary elections in 2014 (36%), as well as the Governorate elections in 2012.
- ≡ In **South Sudan**, there have been no elections since 2010, due to the civil war that erupted in 2013.

In some cases, the new elites not only consolidated their hold onto political power through electoral competition but also **took control of all sectors of the state including the security apparatus as well as the economic/business sector.**

In post-independence **South Sudan**, there is no real distinction between the SPLM ruling party and the state institutions, and no separation of powers (i.e. independent judiciary). The former rebel army, SPLA, became the state statutory army. According to one case study report, this newly-gained monopoly of power and resources gave way to claims of “corruption and nepotism in the distribution of government jobs, contracts and development programmes” (Jok 2015b: 10).

In **Aceh**, GAM combatants reinvented themselves as politicians, administrators, businessmen and contractors (Ansori 2012), and some party organs which were initially set up as transitional mechanisms to facilitate combatants’ reintegration have become powerful organisations controlling all sectors of socio-economic and political life in Aceh. In particular, the Aceh Transitional Council (KPA) has developed into a highly powerful organisation taking on various roles in a range of areas including bidding for construction contracts, collecting (some say extorting) funds for Partai Aceh, gathering votes at election time, and providing security as a shadow police force (Barron et al. 2013: 32). Informally, an unlikely alliance has also developed between secular GAM top leaders and conservative clerics, with the former promising to strengthen the role of Islam in everyday life in order to enhance GAM’s grassroots constituency (IPAC 2015).

#### Institutional guarantees for participation in political and security governance

Many factors may account for the effective inclusion of power contenders in national and local institutions (Dudouet et al. 2016). In particular, the codification of political settlements acted as a major enabler of political and security sector participation for the former armed opposition in all six country cases. For instance, several peace accords included specific provisions enabling the armed opposition to compete in upcoming elections, or to take part in interim institutions. Such measures included, for instance, the **removal of legal impediments** such as bans or political imprisonment (**Colombia, El Salvador, South Africa, Aceh**), or the introduction of **clauses explicitly allowing the creation of new political parties** emerging from former power contenders (e.g. in **El Salvador, Colombia, Aceh** and **Nepal**). Political participation was

<sup>21</sup> However, the local elections of August 2016 have delivered a sharp setback to the ruling party, which has lost power in many major cities across South Africa.



also facilitated through **'affirmative action' measures** that institutionalised the role of former armed groups within state structures prior to competitive electoral processes, by granting them guaranteed seats in governments, parliaments, constituent assemblies, territorial administrations, diplomatic corps or public enterprises. Such measures were seen as necessary to compensate for the imbalance between those surrendering their arms and dissolving their armed organisations, and the existing political parties, in terms of their access to legal political apparatus for campaigning.

In **Colombia**, guerrilla groups who signed peace accords with the government during the early 1990s, were granted financial support, media coverage and office spaces for upcoming electoral campaigns to allow them to promote their political project (Rampf and Chavarro 2014b). They also benefited from the creation of 'special electorate constituencies' during the 1994 local elections, which allocated guaranteed seats for demobilised insurgents within municipal councils in war-affected areas (Rampf 2015).

The successful political conversion of power contending groups was also conditioned by the implementation of broader reforms to support a **transformative agenda for addressing the root causes of conflict and strengthening participatory multi-party democracy**. These included constitutional or electoral reforms that strengthened the role of opposition and/or minority parties, or the devolution of power and competencies to local institutions.

In Indonesia, the Law on Governing **Aceh** (LoGA) codified the principle of self-governance by allowing the Acehnese to field independent candidates in local elections and to form Aceh-based political parties, and by transferring various competencies (including political governance, economy, resource management and human rights) to the provincial level, thus enabling GAM to take control of provincial governance.

In **El Salvador**, the peace accord spelt out procedural reform provisions introducing public funding for all parties in proportion to their electoral success and changing the composition of the Supreme Electoral Tribunal. Such measures were aimed to abolish the system of patronage that favoured incumbent elites.

The most dramatic regime change took place in **Nepal**, where the monarchy was abolished in favour of a Republic, thus paving the way for a democratic multi-party system.

Horizontal inclusion was also facilitated by **transformations of the security sector**, leading to the integration of former combatants into the statutory security apparatus, as seen in **El Salvador, South Africa, South Sudan** and **Nepal**. However, this process was met with various challenges.<sup>22</sup>

In **South Sudan**, not only did the liberation army, SPLA, become the new statutory army, but it also absorbed various former militia groups according to the 'big tent' approach favoured by the new government, which consisted in luring all potential 'spoilers' into the national defence by offering them high ranks and big benefits. Although this approach was commended by many citizens and peace advisors who wanted the chapter of military rivalries to close once and for all, "it contributed to the creation of a monstrous and unwieldy army, too undisciplined to maintain a coherent chain of command, and unwilling and incapable of reform. It also produced an army that not only lacked professionalism but also a shared institutional cultural ethos that all of its members could subscribe to. The result was that, in the name of buying peace through absorptions, the country's military became the source of the very insecurity it was intended to keep at bay" (Jok 2015b: 6-7).

In **Nepal**, one case study report details the various impediments which have prevented the great majority of Maoist combatants to join the national army: despite their initial enthusiasm for security sector integration, 80% of PLA members eventually opted for voluntary retirement packages. This discrepancy was largely caused by fears among demobilised combatants that they would be discriminated against within the army, or that they would be forced to integrate as low-ranking soldiers, far below their rank within the PLA, on the basis of their insufficient level of formal education (Bogati 2015).

<sup>22</sup> These security sector integration processes are described more at length in the publications resulting from our previous research (Dudouet et al. 2012a, 2012b)

### 4.1.2 Intra-party democratisation within the new elite

Internal inclusivity was defined earlier as the level of representativeness within single institutions and actors – this also applies to the ability of former power contenders-turned political parties to reflect the political, social, gender, ethnic and regional makeup of their society in their own decision-making and membership structures.

As addressed in the literature on ‘bullets to ballots’ (e.g. De Zeeuw 2008), the organisational democratisation of new post-war parties emerging from armed power contenders implies a capability to move from vertical command structures (designed for military struggle) to a more horizontal and participatory internal decision-making. This assessment was confirmed by our case studies. One report written by two former guerrilla leaders notes that “guerrillas are not organisations of equals” (Patiño and Grabe 2014), and stresses the importance of developing internal inclusivity as early as possible during the political (re)conversion process. Four dimensions of intra-party democratisation were found relevant across the cases under scrutiny.

#### Adopting a culture of openness and democratic debate

Reforming militant practices of secrecy in decision-making is a key challenge faced during the transition from underground to legal politics.

In **South Africa**, the ANC affirmed its tradition of internal debate and discussion despite years of militarisation of the movement. While in government, it sought to reaffirm this aspect of its organisational culture in reforming the workings of the national parliament, by opening up all its plenaries and committee meetings to members of the public and media, as a way of stressing accountability and transparency. It also introduced a People’s Forum during its 1994 electoral campaign by inviting public questioning on its electoral platform, in order to bridge the social distance between politicians and citizens (Jordan 2004).

#### Maintaining a cohesive movement

Various **internal power shifts** were noted in several case studies, for instance between former exiled leadership and field commanders (**Aceh**), between military and political leaders (**El Salvador, Colombia**), between different factions of the party (e.g. over the four successive elections in **South Africa**), or between pragmatists adapting their agendas to the realities of policy-making, and ideologues or radicals remaining focused on safeguarding the revolutionary values (**Nepal**). Such rivalries have resulted in a relative loss of cohesion of the political project.

In **El Salvador**, the leaders of the new party, FMLN, decided to maintain the five distinct guerrilla blocks that made up the wartime organisation but the equilibrium of power that had prevailed during the conflict could not be maintained. Various splits occurred over ideological positions, especially between the renovator and orthodox wings, leading to an increasing control of the movement by the latter – exercised through expulsions and sanctions against dissidents from the predominant line (Ramos et al. 2015).

The transformation of decentralised guerrilla groups into national parties operating in the capital may also lead to a hierarchical disconnect and a domination of the institutionalised leadership over the historical social base of the movement.

In **Colombia**, following the demobilisation of the small and locally-based PRT guerrilla group, most of its members joined the AD-M19 political project. However, the success of the PRT’s reconversion to conventional politics was seriously undermined by a disconnect between the top leadership in Bogota and former rank-and-files trying to develop local political projects, which became hijacked by national agendas, candidates and priorities (Rampf 2015).

Finally, a recurrent feature in political settlements born out of separatist conflicts is the appearance of internal divides within the new elite, not so much over political or ideological lines but predominantly over the control of state power and sharing of peace and independence dividends.

In **Aceh**, GAM was affected by an internal rift which appeared immediately after the peace accord, opposing senior elites of the movement (led by leaders who largely operated from the diaspora during the latter years of the conflict) and its youth group, who contested the appointment of Hasbi Abdullah Malik Mahmud, the new head of GAM, as being undemocratic, and who claimed to better understand the contemporary realities of the country. These two groups (also dubbed the 'ideological' and 'pragmatic' wings) nominated distinct candidates for the provincial and district elections in 2006-7. According to one case study author, such polarisation occurred because the political transitional period was too short for GAM to consolidate and foster communication across different generations and to generate a common perception of Aceh's future (Daud 2015). Formal unity was regained for the 2009 and 2012 legislative and governorate elections.

### Promoting internal gender and ethnic parity

The **promotion of gender equality** played a prominent role in the definition of inclusivity promoted by several power contenders examined here – all the more as women have played important roles within these movements during the conflict, accounting for up to 30% of members. Several measures were introduced to practice this claim within the new political entities' internal structures – and met various degrees of success.

In **El Salvador**, while women accounted for 30% of the combatants and 60% of the mass organisations or political fronts allies with the FMLN, the movement featured a gendered division of labour discriminating female members and downgrading women's demands to a 'bourgeois' agenda. As a result, women's contributions were widely ignored during the peace negotiations, and they failed to benefit from land transfer programmes. Some progress was made in recent years, as the FMLN now has a 35% women's quota for nominated candidates, and an increasing number of women in its party membership and leadership structures (Ramos et al. 2015).

In **Nepal**, the Maoists had a 20% share of female candidates for the 2008 Constituent Assembly, many of whom came from disempowered communities and first time political protagonists. However, in their first Cabinet, they nominated only upper caste 'elite' women. An interviewed female former Maoist combatant from the oppressed Dalit caste exemplified this by explaining that she was promised by her party to be nominated as a Constituent Assembly candidate, but that her name was removed from the list eventually – allegedly because of her low caste status and lack of connections to the key party leadership (Mabuhang 2015).

In multi-ethnic and culturally diverse societies, power-holders need to demonstrate their inclusive policies by mirroring the makeup of the nation within their own organisational structures. As will be seen in Section 5, the most prominent case of post-war violent relapse in **South Sudan** was caused by **claims of internal exclusion within the new elites' decision-making circles – especially along ethnic or regional lines**, while other cases present a mixed record.

In **Nepal**, the Madheshi ethnic minority left the Maoist movement during the early stages of peace implementation, and went on to form their own parties, as they felt excluded from internal decision-making within the CPN-M (Mabuhang 2015).

By contrast, in **South Africa**, the ANC started as an organisation of African people, before seeking allies with like-minded bodies among Whites, Coloured and Indians in order to reposition itself as a non-racial movement for all democrats, counting amongst its leadership and ranks South Africans of all races (Jordan 2004).

## Regeneration of leadership and membership

Managing a public administration or a political party calls for a very different set of skills than running an army or a social movement. Moreover, to be effective and credible in their democratic aspirations, power contenders need to be able to attract new members and leaders beyond their original wartime political or social constituencies.

In **Colombia**, demobilised members of the M19 invited smaller guerrillas as well as all progressive sectors of society – including within the traditional elites –, to join in forming a new party ahead of the Constituent Assembly elections. With hindsight, former combatants claim that the new party, AD-M19, became too inclusive, lacking clear internal structures and a solid ideological platform. Many opportunists entered the party to seek a political career. Securing electoral results became prioritised over playing the role of a real critical opposition. In addition, the decision to dissolve internal blocks within the party led to breaking the link to the respective constituting movements' former constituencies (Rampf and Chavarro 2014b, Garcia Duran et al. 2008).

In contrast to the Colombian example, most cases at stake confirm the trend for liberation movements to resist the rejuvenation of their cadres and **the over-reliance on war-time leadership and credentials**, even many years after their political reconversion (Clapham 2012).

In **El Salvador**, over two decades after the peace accord, the leaders of the Front are still mostly composed of war-time commanders or mid-level militants. The 2009-13 President running on an FMLN ticket, had joined the party shortly before the election and formed a multi-party coalition government. However, one case study report describes this seemingly inclusive strategy as an electoral tactic for the FMLN to reach power (Ramos et al. 2015). Overall, the party leadership's legitimacy still comes largely from participation in the war (Allison and Martin Alvarez 2012). In fact, the current President, elected in 2013, was one of the main leaders of the FMLN during the conflict and a signatory of the peace accord, and the same applies to most other leaders and deputies.

In **South Africa**, the lack of rejuvenation within the ranks of the ANC has led to episodes of internal resistance by the new generation of party members. The latest split within the ruling party came from within the ANC youth league, leading to the emergence of a new political formation, the Economic Freedom Fighters (Graham 2014b).

In **Aceh**, observers have noted a recent attempt by the Partai Aceh to strengthen the political base of the party by relying less on ex-combatants for political office (due to their alleged poor performance) and more on younger, better educated cadres (IPAC 2015). However, in most cases, the same war-time leaders are still in power internally and there is no clear process aimed at generational renewal.

### 4.1.3 Vertical inclusion: do reformed institutions better mirror the composition of society?

We now turn to the impact of the political inclusion of former armed opposition groups in terms of bringing about a more representative state. In particular, the principle of vertical inclusion prompts us to interrogate whether marginalised communities became better represented within public institutions, for instance, through the introduction of representational guarantees such as quotas and power devolution mechanisms, allowing indigenous or minority groups to manage their own affairs, or instruments of direct democracy (such as referendums). The case studies offer an ambivalent assessment of new elites' openness to vertical inclusivity. For instance, several reports mention the proactive introduction of inclusive representation mechanisms by power contenders turned policy-makers, however, their implementation has largely lagged behind.

## Representation quotas for women and minorities

The benefits of affirmative action for group representation, such as gender quotas, have been ambivalently assessed by experts. On the one hand, they enable increased participation in government institutions, elicit changes in the institutional culture, and facilitate the emergence of women and gender issues in national debates. On the other hand, they often turn into mere tokenism and numeral representation lacking substantial impact and may amplify the power of party patronage (Edward 2014). The case studies reflect and confirm the dual impact of quotas.

In **Nepal**, several progressive measures were taken by the Maoists when they took control of the government after the 2008 Constituent Assembly election. Not only did a new law ensure 33% of legislative seats for women, but inclusive ethnic and gender quotas were also enforced in the public administration and security sector. However, when it comes to the actual implementation of positive discrimination measures, they do not appear to have benefitted marginalised communities over the long run. On the contrary, they seem to have ironically benefitted the dominant Hill Hindu High caste groups – whose representation in the public administration increased from 72% to 79% from 2006 to 2012. The security forces fare only slightly better, with the proportion of dominant groups in the national army decreasing from 55% to 51% in the period 2009-2012 (Mabuhang 2015).

In **South Sudan**, the 25% quota for women across all state institutions introduced in the CPA is inconsistently applied, including within the SPLM's own ranks (Mayai 2013). Moreover, this threshold tends to encourage token representation by women with strong links (as relatives and wives) to the male leadership. Female members of the Cabinet and Parliament were also appointed on the ground of their active participation in the armed struggle, at the expense of other criteria linked to qualification or meritocracy (Edward 2014).

## Self-governance ... or replication of ethnic discrimination?

Several multi-ethnic states have implemented **power decentralisation measures** to enable local institutions to better represent their constituencies. In **South Africa**, power devolution measures were put in place at the local level. The Constitution grants the right to self-determination for “any community sharing a common cultural and language heritage” if there is “substantial proven support” for that right (Constitution of the Republic of South Africa 1993).

In cases of self-determination struggles, however, the tendency is for the new power-holders representing the formerly marginalised communities to prioritise their own (i.e. ethnic) constituencies when filling positions in the administration and security apparatus, at the expense of other minority groups.<sup>23</sup> In **Aceh**, the new administration that emerged from the liberation movement (GAM) failed to address the sustained marginalisation of non-Acehnese minorities, representing 20% of the population in Aceh, who demanded the establishment of administrative sub-units (Ansori 2012; Barron et al. 2013). In addition, the expansion of Sharia Law introduced in the wake of the institutional reform negotiated by GAM is highly discriminatory for non-Muslims (Hariyadi 2014).

## Public accountability

Similar discrepancies were noted with regards to the materialisation of codified mechanisms for direct democracy and public oversight. On the one hand, state structures, political parties and electoral systems underwent major reforms and succeeded in eliminating political exclusion and the restriction of civil rights.

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<sup>23</sup> The case of South Sudan will be explored in Section 5.



However, these reforms did not manage to solve issues of participation, accountability and a watchdog mechanism for citizens.

In **El Salvador**, “despite the fact that political inclusivity was achieved in the case of the FMLN, inclusivity with respect to the demands of society and of the groups that supported the FMLN’s political and military struggle was not achieved. (...) The prevailing system has given political parties too many powers with few controls, thus leaving unmonitored spaces open to profit seekers and to the co-optation of institutions by the elites. The FMLN is now part of those elites.” (Ramos et al. 2015: 16-17). The constitutional reform resulting from the Peace Accords made it clear that the political parties were the only legitimate means of political representation available to citizens. One example is the domination of political parties in the Supreme Electoral Tribunal, which allows them to interpret electoral laws according to their own interests.

In **Colombia**, several mechanisms were introduced in the 1991 Constitution to enhance popular participation in politics, beyond organised parties and social movements – such as plebiscites, referendums, popular consultations, open town council meetings, direct legislative initiatives and the recall of officials. However, the Congress later passed some constitutional reforms to restrict the use of such instruments, little was done to inform citizens about their content, and the persisting political culture of corruption and patronage discouraged their use. As a result, the participatory democracy designed by the CA has never been fully practiced (Rampf and Chavarro 2014a).

In **South Africa** by contrast, although elections remain the primary means by which citizens express their political choice (with voting turnouts in 2014 above 76% of the voting age population registered), “the proliferation of consultative processes has not only allowed for, but insisted upon, citizen participation in policy matters and public policy implementation” (Graham 2014a: 14). Other analysts draw more critical assessments of participation channels for citizens in post-apartheid South Africa. According to Cherry et al. (2000), the exercise of direct democracy through ‘social upheaval’ during the anti-apartheid struggle gave way to representative democracy, leaving citizens with very limited political roles beside their participation in elections.

### The co-optation of civil society

As described earlier (Section 2), civil society – in the form of CSOs or mass-based social movements – plays instrumental roles, in alliance with power contenders, in bringing about structural change by forcing incumbent political elites to re-negotiate the prevailing political settlement. We also highlighted (Section 3) that during the negotiation stage itself, civil society representatives are sometimes invited to take part in decision-making processes on the grounds of their expertise or in recognition of their active participation in the struggle for inclusive democracy. Once power contenders gain access to state institutions through power-sharing or electoral processes, this strongly affects their relations with their former civil society allies. While the latter gain direct avenues for informal influence on state policy through lobbying and advocacy, rebels-turned-power-holders tend to discard participatory demands on the part of CSOs, circumscribing their functions to consultancy or service delivery roles (Dudouet 2007). This is consistent with the democratic consolidation theory dominated by ‘minimalist’ visions of liberal-democracy (e.g. Linz and Stepan 1996), where civil society demands are channelled into political parties and the electoral system, limiting CSOs to a mere ‘technical’ role. It is argued that although a robust civil society can help to ensure stability and predictability in the political system, “associational life (...) will disrupt rather than deepen democracy if it retains the over-politicised role which helped it bring down non-democratic governments” (Pearce 2004: 103). Empirical observations in the six country cases seem to confirm this functional shift undergone by civil society during the materialisation of post-war political settlements. Overall, we found that governments emerging out of liberation struggles tend to lack an independent civil society, as they are keen to co-opt their former societal allies in supporting their new vision for the country.



Although the case study reports on **South Africa** do not delve into much detail on the fate of CSOs after 1994, our previous research (Dudouet 2007) found that the partnerships between the ANC government and its former civil society allies (such as the Trade Union coalition COSATU) have somehow transformed CSOs from agents of change to apolitical government sub-contractors for policy implementation. For example, the fact that many government officials had been previously active in the civil society sector resulted in unusually close and sympathetic relations between the civil and political society, and has prevented independent scrutiny and criticism of state policies for fear of appearing disloyal toward former colleagues or allies (Hearn 2000). Moreover, the ‘commercialisation’ of formal NGOs through post-war development projects has turned them into delivery agents on behalf of government, resulting in a loss of autonomy as well as conflicting demands on their loyalties toward the state and their community (Habib 2005). However, one should also note the emergence in the last decade of a new, more radical social movement, mobilising for socio-economic rights and the delivery of services such as housing, electricity, health, education, land redistribution, HIV/AIDS treatment and crime reduction.

If the constructive role of civil society in **Aceh** during the negotiation and codification (e.g. LoGA drafting) phases has been well documented, our case study reports do not delve into the relations between the new Acehnese institutions and CSOs since the peace accords. Other scholars (Azkandar 2016; Takwadin 2013) have noted that like in South Africa, many civil society activists and organisations became absorbed into the new state structures (political parties, parliament, government and state bureaucracy) to serve their democratic goals from the inside. GAM’s strategic alliance with some CSOs (such as the Aceh Referendum Information Central, SIRA) during the conflict facilitated post-war partnerships, for instance when the first post-war Governor Irwandi Yusuf chose SIRA’s director, Muhammad Nazar, as Vice-Governor, helping him to gain support from the majority of the Acehnese electorate. His administration was notably open to contributions from civil society, given its lack of expertise in running a province, and its tension with the established Indonesian elite. However, civil society contributions have tended to be informal in nature, lacking specific mechanisms to absorb such inputs (Azkandar 2016).

#### 4.1.4 Responsive policy-making and service delivery

Across all six cases, formal democracy has been achieved, and various progressive provisions were codified that granted minorities and socially-marginalised groups nominal political, social and economic rights. However in practice, political (and security) reforms have taken primacy over socio-economic reform agendas and did not by default translate into fundamental changes in the ‘real’ power infrastructure. As a result, issues of **socio-economic marginalisation and unequal resource distribution have remained largely unaddressed**. This shows that higher political and societal representativeness within the state apparatus does not necessarily translate into more inclusive policies and service delivery. Such findings echo the sobering assessment by the broader literature on transitions from liberation movements to governments: that few power contenders have managed to translate the symbolic and aspirational goals that animated their struggle into tangible material benefits for the majority of the population (Clapham 2012).

In the case of **Nepal** it is too early to judge whether the materialisation of the new Constitution will achieve broader peace dividends for the vast majority of Nepalis, though at least the second CA elections in 2013 was marked by a shift in politicians’ discourse on the need for an ‘economic revolution’ after the success of the long struggle for civil and political rights (Khatiwada 2014). After the Constitution was passed in September 2015, some marginalised groups expressed fears that the new geography-based federal demarcation lines would lead to further unequal distribution of resources, power and state representation (Strasheim and Bogati 2016).

In **El Salvador**, even though the FMLN became progressively dominated by its ‘orthodox’ branch in the years following its conversion to party politics, it has brought about only minimal reforms once in government. Popular expectations were high when the FMLN was voted into power in 2008, as the first

leftist government in Salvadoran political life seemed to provide an opportunity to drive relevant and high-impact economic changes to tackle social exclusion and inequality. However, the economic system based on financial services and trade remains unchanged, with little or scarce development of the domestic productive sector. In the social arena, some innovations could be observed with respect to vulnerable groups living in extreme poverty, but no general policies were put in place to achieve the well-being of the population at large. Instead of developing a culture of rights and citizenship, the government has maintained a culture of patronage favouring the political elites (Ramos et al. 2015).

Even highly progressive codifications such as the new constitutions in Colombia and South Africa were unable to fundamentally alter power infrastructures and redress societal inequalities.

In **South Africa**, the materialisation of the new political settlement has been unequally divided across the population – political freedom and inclusion have been formally achieved, but social inclusion and economic freedom is as yet unfulfilled for large segments of the black population. “South Africa remains a highly unequal society, with poverty, inequality and unemployment constituting its three main challenges” (Marais and Davies 2014: 14). For example, land restitution was one of the twin demands of the ANC (along with citizenship) prior to the political settlement, which it has failed to resolve ever since taking up the government leadership. In addition, there is also a huge housing deficit. In the education sector, the schooling system has still not recovered from the spatial division of the past and the intentional discrimination of the Bantu education. These challenges have led to growing distrust between state officials and citizens (Graham 2014a).

In terms of gender mainstreaming, the limitations of quota policies highlighted above point to the need for longer-term perspectives. Adequate service delivery and mechanisms to improve women’s social, education and economic conditions might be more effective in improving their chances to compete equally in the public arena. However, the case studies demonstrate that despite inclusive legislative measures, such as the revision of discriminatory laws accompanied with progressive efforts to eliminate entrenched gender inequality in **Nepal** (Bogati 2015), implementation remains a real challenge. As a result, there is still **a long way to go in terms of making the state responsive to the social demands and needs of female citizens**. In **El Salvador**, the FMLN government is pursuing very conservative gender policies on sexual and reproductive rights (e.g. supporting the criminalisation of abortion). **Aceh** has also gained some attention in international media in recent months, after the local government allegedly introduced Islamic measures shrinking the space for women in the public sphere and restricting their basic rights.<sup>24</sup>

Finally, **transitional justice** can also be seen as a component of building an inclusive state as it seeks to regain trust and legitimacy in state-society relations and contributes to establishing a socially cohesive country. Issues of redress, restitution and reconciliation are/were relevant in all six contexts, and mechanisms aimed to provide citizens with a sense of state accountability and responsibility for past abuses of authority were provided for in the peace accords in **South Africa, El Salvador, Aceh** and **Nepal**. However, with a few exceptions (**South Africa** and **El Salvador**), the codified provisions relative to truth and reconciliation commissions, rehabilitation and reparations schemes or human rights vetting, have so far failed to materialise.

In **Nepal**, the Truth and Reconciliation Commission and the Disappearance Commission mandated by the 2006 CPA were finally established in February 2015, thanks to relentless advocacy by civil society groups. The government also developed several national plans of actions, policies and programmes for providing peace dividends and reparation packages to the survivors of violence and the families of the conflict victims. However, there is a lack of efficient mechanisms to deliver such services and enable civil society organisations to monitor the state’s compliance to these plans of action (Khatiwada 2014).

<sup>24</sup> See for instance: <http://america.aljazeera.com/articles/2015/6/10/indonesias-aceh-sets-partial-curfew-for-women.html>; [www.thejakartapost.com/news/2015/05/06/aceh-women-activists-slam-latest-sharia-based-regulations.html](http://www.thejakartapost.com/news/2015/05/06/aceh-women-activists-slam-latest-sharia-based-regulations.html).

In **South Sudan**, although the CPA did not provide any transitional justice mechanisms, programmes of reconciliation were eventually announced by the government following independence and institutions were set up for this purpose, including a cabinet level “National Peace and Reconciliation Commission” and other agencies mandated to investigate past conflicts, creating an environment for different communities to seek justice for the whole nation to come to terms with the burden of over five decades of violence. However, these measures were not sufficiently followed through by the SPLM, nor between opposed ethnic and regional communities. In fact, it might be argued that “the impact of these failed programmes together with the lack of reconciliation and justice for past crimes, are directly linked to the plunge of the young country into conflict since December 2013, as well as the spread of violence to many parts of the country” (Jok 2015b: 10).

Even in **South Africa**, two decades after the Truth and Reconciliation Commission concluded its work, many victim compensation measures remain outstanding. In addition, numerous cases of prosecution for perpetrators who did not apply for amnesty have yet to be resolved (Graham 2014b).

Having exposed the manifold challenges related to the materialisation of inclusive state-building and governance, we now turn to the causal factors explaining such discrepancies between the inclusive claims made by power contenders during their armed struggle, and their relative inability (or unwillingness) to deliver these promises to their wartime constituencies and the country at large.

## 4.2 Factors of effective materialisation of inclusive governance

Most factors influencing the ability and/or willingness of emerging elites to implement their inclusive agendas are linked to the power relations at play within the new political settlement, both in terms of formal regulations and informal bargains or competition between power contenders and their (former) opponents. The specific challenges of state-building in post-war societies also need to be considered, given the capacity and resource gaps caused by years of armed conflict; as well as the role of international donors, interests and influences.

### 4.2.1 Capacity to implement agreed reforms

After the ‘euphoric’ moment of the re-negotiation of the political settlement, comes the time when new elites are no longer judged by their negotiation promises but by the actual policies which they deliver – or not. As noted in a seminar report on rebel-to-government transitions in Africa (Clapham 2012: 10), there is an inevitable gap between unreasonably high popular expectations by the members and supporters of upcoming rulers, and the disappointment caused by the realities of their performance. The primary reasons invoked by government officials to explain the lack of implementation of codified agreements are concerned with their capacity to effect change. This is not surprising, especially in post-war contexts or newly-created states which have to be built from scratch by new leaders freshly emerging from underground politics or armed struggle.

#### Financial capacity

The financial **gaps between power-holders’ inclusionary war-time or electoral promises and limited state revenues** represent a major hindrance to state reform. As a result, when confronted with competing priorities, governments tend to spend the biggest share of their national budgets on the consolidation

of central state institutions, including the security sector, at the expense of delivering essential public services or improving the social contract between state and citizens (Van Veen and Dudouet 2016).

The government of post-independence **South Sudan** was unable to deliver on its various promises to its people when most of state revenues were absorbed by the security sector. This was detrimental to many other sectors of state reform. For example, gender focal points or departments have been created by the Ministry of Gender, Child and Social Welfare in various government institutions but they are inadequately funded and this hinders their effectiveness in terms of promoting gender mainstreaming within the state apparatus (Edward 2014: 6).

Elsewhere, inclusive economic agendas around resource redistribution professed by former power contenders during their armed struggles could not be implemented due to **financial constraints imposed by the global economy**. In the wake of their peace and democratisation processes, the South African and El Salvadorian states were pressured into satisfying the conditions of neo-liberal “structural adjustment programmes” in order to receive assistance from international financial institutions. Such programmes curtailed the resources at their disposal to implement necessary socio-economic programmes for the most excluded segments of the population. As a result, extensive research in **El Salvador** has shown that post-war stabilisation and development programmes during the 1990s have actually created more poverty and inequality (Ochoa et al. 2000).

In **South Africa**, ANC leaders also made major compromises with the business community in exchange for their allegiance to the new government, so that multinational corporations would not be obstructed as they opened up the economy. This led them, for instance, to drop the promises in their founding document (the Freedom Charter) about equity and the country’s natural resources, such as minerals, ‘belonging to the people’. Consequently, the ANC agreed to investment conditions that favoured big business, preventing economic growth from being expedited in a more inclusive manner to broaden the benefits of transformation to the entire population (Marais and Davies 2014).

### Technical capacity

The new elites’ capacities to implement inclusive programmes and policies also depend on their degree of **experience and skills which are necessary to run or take part in state institutions**, as well as their ability to overcome informal norms and unwritten rules benefiting traditional oligarchic elites. For war veterans, this implies the need to cope with issues that lie entirely outside the experience they have gained during the struggle, often leaving them dependent on specialist expertise (Clapham 2012: 10). This trend is reinforced by the fact that those appointed to leadership positions often build their credentials on their war-time experience or personal charisma rather than their professional or political abilities.

In **Colombia**, interviewees representing demobilised guerrilla groups such as the PRT and the EPL highlighted the necessity to learn the ABCs of politics: “What happens is that one comes [to politics] with a very reformative idea believing that what we were thinking would be achieved. Then, one finds himself confronted with the reality that politics depend on partnerships [...] with a political class, which has [...] two hundred years of experience, compared to some guys that just arrived from the countryside, dreamers with many very poetic ideas, with a totally different vision of power” (Rampf and Chavarro 2014: 16).

In **Aceh**, GAM’s transformation into a cohesive party (Partai Aceh) was met with outstanding electoral achievements, but the high popular expectations for delivery and change have clashed with the new politicians’ lack of knowledge on regional and local governance (Wandi 2012). For instance, the first governor of the newly autonomous Province, Irwandi Yousuf, was a veterinary surgeon by training with no prior experience of democratic politics, law, administration or public policy. When it comes to the legislature, the inexperience of new members of the Aceh parliament from Partai Aceh has inhibited its capacity to perform even its most basic duties. According to a UNDP report in 2012, “only about 10 per

cent of sitting members have the technical capacity required to properly evaluate the budget submitted by the government executive, despite the fact that passing the budget is one of the legislature's primary responsibilities." As a result, the provincial budget for 2010 was not passed until July of the same year (UNDP 2012: 102).

#### 4.2.2 Political will

Financial capital and resources for inclusive materialisation aside, if there is no political will to deliver what has been promised, little to no progress is likely to be made. In the literature on post-war peace/state-building, political will is commonly referred to as a key factor for bringing about constructive change (see Dudouet et al. 2012b). However, the answer to the question *why* there was no political will is very much varying and often rests on anecdotal evidence. In some cases rebellions were fought under the flag of inclusion solely to win popular support and to recruit combatants, while in other cases the ideological base and political positions that were constructed during the war had to be adapted to the realities of post-war *realpolitik*, that are closely linked with negotiations and agreements made with other groups within the political settlement, as well as international donors and regional powers. In sum, the political will to pursue or push aside inclusionary governance agendas and policy priorities should be seen as an umbrella category that encompasses a plethora of reasons, motives and compromises. There are nevertheless some observable trends that can be offered as indicators for the likelihood of emerging post-war elites to generate and sustain sufficient political will to follow through with the materialisation of inclusive politics.

#### New power-holders' shifting priorities

The transition from underground to state/formal politics requires necessary ideological and strategic shifts, including the need to re-formulate political goals. What we called elsewhere the 'programmatic democratisation' of power contender groups entails "the adaptation or recalibration of war-time agendas to the complex reality of post-war politics, including the shift from a resistance/liberation mentality to a comprehensive governance and policy implementation agenda" (Dudouet et al. 2016: 8). All movements under scrutiny underwent such shifts, which heavily influenced their readiness or ability to deliver the promised rights and entitlements to their constituencies and the rest of society. Although this process might not necessarily entail a complete ideological shift, **most power contenders under scrutiny adopted more 'moderate' or 'mainstream' policy objectives once they became a political party or entered the state apparatus.** In particular, leftist armed liberation movements left aside their revolutionary ideals to embrace a reformist agenda, or even (as decried by their former civil society allies) towards neo-liberal socio-economic policies, through the liberalisation of financial and trade markets and privatisation of the state's assets.<sup>25</sup> As highlighted by some case study reports however, it may well be that power contenders had minimalist socio-economic agendas right from the start, which led them to adopt moderate reform policies once in power.

In **Colombia**, the former guerrillas that participated in the Constituent Assembly and institutionalised their political participation after 1991, supported a reformist agenda throughout – seeking political reforms while neglecting reforms in the economic system. As assessed by an interviewee, "as the claims were modest, the disappointments also were" (Rampf and Chavarro 2014b: 13).

One case study author on **Nepal** holds a highly sceptical vision of the Maoists' inclusionary discourse during their armed struggle, considering it as a mere strategy to reach power. "As a popular Nepali proverb says, 'when the river is crossed, throw the stick'. Most political parties have been using socially-excluded

25 On the case of the ANC, see for instance McKinley 2004.



groups as a ‘stick’ until they reached power, as have the Nepali Maoists also shown.” (Mabuhang 2015: 7). Several interviewees expressed the same view, arguing that the Maoist insurgency, like previous armed insurrections before them, forgot all about their discourses on the proletariat, peasants, the landless, and poor people once they joined the government (Mabuhang 2015: 21).

### Degree of inter- and intra-party consensus (vs. polarisation) on necessary reforms

Power-holders’ willingness and ability to implement inclusive reforms is also strongly influenced by the level of agreement among the incumbent and emerging elites on the features of post-war policy-making. **Decisions taken consensually within the new political settlement are more likely to be effectively materialised** than those taken amidst acute inter- or intra-party polarisation.

In **Colombia**, the 1991 CA was characterised by a spirit of consensus regarding the necessity of inclusive political reforms – as testified by the fact that 74% of the articles passed were approved by consensus (Buenahora Febres-Cordero 1995). Representatives from both the opposition (including former guerrilla representatives) and the leading party were convinced of the need to enhance democracy and fundamental rights, increase constitutional flexibility, and exert greater institutional control both by the state and its citizens (Rampf and Chavarro 2014a, 2014b).

In **South Africa**, there is also a broad consensus regarding the political settlement of the 1990s, which has not been substantially challenged since the end of Apartheid. The political transition was led through collaboration between the ANC and the last white government (National Party, NP). The NP went on to dissolve itself in 2004 while its leadership joined the ANC: this demonstrates the very similar ideological positions to which the two former political opponents had come to during the post-apartheid period (Graham 2014b).

In **Nepal**, by contrast, the tactical alliance forged between the Maoists and mainstream parties against a common enemy (the King) during the 2006 peaceful revolution proved rather short-lived. As they formed the first Constituent Assembly in 2008, these parties quickly developed polarised and antagonistic positions on the type of state they wished to build, impeding effective decision-making on key tenets of constitution-making (Khatiwada 2015). The positions on federalism have been so polarised that for each possible compromised solution proposed since 2008, large-scale protests have emerged within every party. A draft Constitution was finally voted in September 2015 by a qualified majority instead of a consensual agreement, and the level of public challenge it has received in various parts of the country indicates that the path to materialisation will be a very arduous one.

If inter-party polarisation impedes the effective materialisation of inclusive political settlements, one might also argue that **excessive consensus through power monopolies do not contribute to healthy, pluralistic democracies**. The case study of South Sudan illustrates the risk of post-liberation regimes becoming corporate states constituted by monolithic power blocs. The lack of political opposition or the absence of checks and balances may entrench exclusive systems in the absence of political will on the part of the power-holders to implement necessary reforms.

In **South Sudan**, the SPLM’s ‘big tent’ approach resulted in the pragmatic accommodation or even co-optation of the opposition instead of engaging with it in a political contest of ideas (Van Veen and Dudouet 2016). Such monopoly of power has meant that the SPLM could not be pressured to implement the commitments codified in the CPA – in terms of equitable development programmes, justice, accountability and transparent elections (Jok 2015b).



### Interferences by traditional elites and other informal actors

In contexts of polarised settlements, the pace and depths of reforms and the inclusiveness of public policies are heavily conditioned by the political will (or lack thereof) of pro-status quo forces. According to Rocha Menocal (2011: 1722), “history shows that political settlements can remain highly exclusionary even after a peace agreement that is intended to be more inclusive has been negotiated”. She explains this discrepancy through the distinction between formal and informal elements of political settlements: while negotiated settlements may look good on paper, especially in terms of protecting those who have historically been most marginalised, translating their often high rhetoric into reality is a completely different matter. Informal institutions and practices rooted in history that are based on the logic of concentrating power in the hands of certain political, ethnic or social groups can prove remarkably resilient. In the eyes of pro status-quo elites, a re-distribution of socio-economic, political and cultural power is perceived as a direct threat to their own power, position and/or assets, or a more general threat to societal morals, values or orders.

Across most of our case studies, we found that while power contenders gained substantive political power, they gained little economic influence, constraining their ability to transform their countries into more dynamic and equitable societies. As noted in a report on **South Africa**, the post-conflict political elite did not automatically become the post-conflict business elite (Marais and Davies 2014). Such discrepancy opened **avenues for ‘traditional’ socio-economic elites to resist structural change**, either directly – when some institutions such as the justice system or even the national legislature remained controlled by old power infrastructures and ‘rules of the game’ – or through informal channels of authority (e.g. land/business ownership, class-based domination, customary power, political patronage, etc.).

In **South Sudan**, over 75% of the population is governed by the customs and traditions of respective ethnic groups, which strongly impacts on the materialisation of inclusive reforms. For instance, although the Transition Constitution guarantees women’s rights and freedom by law, to achieve these rights proves a difficult task, especially in rural areas, because “certain harmful customs and traditions are deeply entrenched and embedded in social, cultural and legal practices of different ethnic groups in the country” (Edward 2014: 40).

Key actors impeding the materialisation of inclusive settlements can also be found at the sub-national level, particularly in contexts where **local elites and oligarchies consider their power to be threatened by democratic reforms introduced in the capital**.

In post-1991 **Colombia**, local and regional elites were excluded from the peace processes with various guerrillas, and turned instead to paramilitary groups in order to protect their interests and maintain their economic and political privileges. These influential regional actors were profoundly against the participation of former power contenders in the political arena, and this tactical alliance with paramilitaries resulted in mass assassinations of demobilised combatants-turned-politicians. As a result, some well-intended reforms to increase democratic participation at the sub-national level, such as the direct election of governors and mayors, created new conflict spaces by opening the door for the co-option of state institutions through drug cartels and paramilitaries (Rampf and Chavarro 2014b, Rampf 2015).

Finally, it should be noted that not all traditional/incumbent and informal elites are anti-democratic and pro status-quo oriented by nature. Two case study reports examine the **positive intervention of the business and intelligence communities in facilitating and protecting an inclusive political settlement** in South Africa.

While some elements of the intelligence services in **South Africa** sought to undermine efforts towards a negotiated settlement and political reform, members of the National Intelligence Service, guided by their strategic vision and understanding of the imperative for change, played a significant role during the 1990s in protecting the tenuous peace and stability that were essential for a smooth and successful transition (Marais and Davies 2014). Likewise, some parts of the business community came to constitute a fairly

unique elite in support of South Africa's new political settlement. In the interests of a peaceful political and smooth economic transformation, business leaders positioned themselves as mediators between the government, private sector and labour force to forge an inclusive consensus on public policies such as the 1994 Reconstruction and Development Programme (RDP). They worked in close partnership with the government in subsequent years, in the pursuit of joint interests for growth and development, while seeking to reconcile core business interests (including global competitiveness) with the country's equity needs (i.e. black economic empowerment). Business gradually became an entrenched role-player in South Africa's transformation and ongoing socio-political and economic dialogue, simultaneously shoring up output inclusivity for the broader population in terms of policy and service delivery (Marais and Davies 2015).

### 4.2.3 Institutional or procedural mechanisms

Inclusive materialisation, finally, is also conditioned by the presence or absence of mechanisms for protecting new elites against undue blockages by pro-status quo actors, while also preventing winner-takes-all monopoly, and ensuring continued dialogue among political and social stakeholders.

#### Binding implementation mechanisms

In the absence of legally-binding agreements over the contours of new political settlement, the promises made by peace negotiators or CA members can be easily ignored by the next government or parliament. Peace accords are more likely to be fully implemented when their provisions are integrated into a legal framework that legitimises them and endows them with a compulsory character. Constitutional frameworks are supposed to offer such a guarantee, by spelling out the features of a democratic and cohesive state, as well as principles of security sector governance that guarantee justice and security for all citizens. However, such **constitutional principles cannot themselves ensure the implementation of necessary reforms if they are not translated into laws and regulations.**

In **Colombia**, the 1991 CA members agreed not to be eligible for the next Congress elections, and gave their power away to the Congress to implement whatever they had agreed upon. This was a huge miscalculation since new parties emerging from the guerrilla organisations did not manage to gain enough seats in Congress to actually have a stake in decision-making, and were relegated to the minority opposition. Instead, the Congress was dominated by the traditional political elites who had been sidelined by the CA, and who used their regained power to launch counter-reforms that directly impeded the materialisation of the new constitution (for instance on participatory mechanisms and decentralisation measures). By 1994, the AD-M19 had lost nearly all of its electoral support and its leadership was severely affected by security threats and targeted killings, resulting in many politicians leaving politics or the country. Both the incapacitation of the ANC delegates and the poor electoral achievements of former guerrillas had a far-reaching impact on the implementation of the new charter (Rampf and Chavarro 2014a). The authors suggest that CA delegates should have introduced some measures to give the new political settlement sufficient time to consolidate itself, for instance, by making it illegal to amend the Constitution in its first few years of existence.

In **El Salvador**, the peace negotiation agenda focused primarily on political reforms that would allow the FMLN to participate in the exercise of democracy, while reforms related to the question of land ownership and socio-economic structural adjustments were relegated to a Forum for Economic and Social Consultation (FES). The FES represented an attempt to involve a wide range of actors in decision-making over economic and social policies that had not been addressed in the peace accords, bringing together representatives of the labour unions, peasant organisations, the government, and the country's most important business associations. However, it only started operating after the peace accords were finalised and lacked political

support to reach significant agreements. As a result, it only obtained modest achievements with respect to labour rights and failed to become institutionalised as a permanent mechanism for social dialogue (Oswaldo López et al. 2015).

### **Mechanisms encouraging political pluralism and inter-elite cooperation**

As seen above, both inter-party polarisation and power monopoly may impede the materialisation of inclusive political settlements. Such risks can be mitigated through interim or permanent institutional mechanisms promoting horizontal inclusivity within decision-making arenas.

In the short-term, **confidence-building measures, such as power-sharing mechanisms**, can help to create space for political dialogue and secure the political will of former elites to abide by the agreed reforms (Hoddie and Hartzell 2003; Dudouet et al. 2012b). In South Africa, Nepal and Sudan (prior to the South Sudanese independence), interim ‘national unity’ governments were put in place in the immediate aftermath of the peace accords in order to manage the state until the organisation of democratic elections or the entry into force of a new constitution. Such mechanisms provided a first opportunity for representatives from both former state rulers and their challengers to test their ability to work together in rebuilding and running the country (Dudouet et al. 2012b).

In **South Africa**, the ANC undertook some confidence-building measures to safeguard the social and economic privileges, and advantages of the white elite, as a necessary compromise to win its support for the democratic transition. These entailed transitional arrangements in the Interim Constitution of 1993 (the so-called ‘Sunset Clauses’) to protect the jobs and pensions of public servants and ensue ‘no fundamental changes’ in the security sector (Graham 2014b). The parties also agreed to set up a Government of National Unity (GNU) for five years following the 1994 elections, with its membership determined on the basis of proportionality rather than being drawn only from the majority party. However, the GNU did not finish its term due to fractious relations between the main parties and criticism rose (e.g. within trade unions), against both the GNU and Sunset Clauses, accusing them of limiting transformation, and in particular, the restructuring of the economy and land restitution programmes. Nevertheless, the ANC has maintained a symbolic and voluntary form of unity government, an approach which continues to date (Graham 2014a).

As demonstrated by the literature on democratic systems in deeply divided societies (e.g. Lijphart 2004, O’Flynn and Russell 2005), more ‘permanent’ electoral and constitutional mechanisms can also be put in place to prevent or discourage dominant forces from monopolising power. These include **proportional representation systems** which favour inclusive governance by preventing winner-takes-all majorities, or **power devolution mechanisms** to mitigate power monopoly.

In **South Africa**, although the ANC has had an undisputed monopoly on the executive level since 1994, the proportional representation system is guaranteed by the constitution. At the provincial and municipal levels, parts of the country are run by other parties than the ANC: this offered minority parties the opportunity to develop a track record and national presence (Graham 2014b).

Finally, the stability and effectiveness of post-war democratic consolidation are not only determined by legal frameworks, but also by the existence of mechanisms and **arenas that enable all parties to engage in regular inter-party dialogue and cooperation**, where the political settlement can be constantly renegotiated and re-validated. So-called ‘infrastructures for peace’ – such as joint monitoring committees, local peace committees, permanent commissions, etc. – can play crucial roles to institutionalise spaces for inclusive dialogue horizontally and/or vertically (Unger et al. 2013).

One case study report on **El Salvador** asserts that the 1992 Peace Accord should be considered as a ‘master plan’ to achieve ambitious objectives which could not be met during the immediate post-war period. “The political will required to continue to build on the basis of this plan is the responsibility of all

Salvadoran women and men”, which would require, in the authors’ opinion, a second generation of peace accords involving all concerned citizens, in order to re-negotiate a more inclusive political settlement (Ramos et al. 2015). The FMLN government recently initiated a series of consultative councils in order to identify and address key national priorities (e.g. education, environment, employment, security, etc.) in a participatory fashion. For instance, a National Council for Citizen Security (CNSCC) was launched in 2014 with the aim to address violence and crime through an inclusive dialogue between government officials, the private sector and civil society – represented by the Catholic Church (Gagne 2014). Although an ambitious and promising action plan was designed and agreed upon by the various stakeholders, a UNDP review highlights numerous challenges met during its implementation, caused by a lack of resources, coordination gaps among the relevant ministries, and a lack of political leadership (as the Council itself was only tasked with a monitoring role during the implementation period) (UNDP 2015).

#### 4.2.4 International influence

If the materialisation of post-war political settlements lies in the hands of domestic actors, the capacity and political will of incumbent and emerging elites are also influenced by their international environment. The role and impact of foreign intervention in post-war political settlements are far from uniform, from transition processes primarily driven by internal dynamics and local stakeholders, to internationalised state-building projects under heavy control – or even under direct administration – by external actors. Such actors range from diplomats or INGO professionals taking the lead in the negotiation phase, to military actors enforcing or monitoring the peace after the signature of codified agreements, and development agencies intervening over the medium-long term. Their influence in the six countries at stake thus remains to be explored, in terms of their ability to increase or impede inclusive post-war state-building. Given the lack of empirical evidence on the subject-matter in the case study reports, we draw here on other scholarly insights as well as our own recent research consultancies on donor support for inclusive politics in FCASs for the OECD-DAC (van Veen and Dudouet 2016)<sup>26</sup> and on international assistance to political reintegration for UNDP (Dudouet et al. 2016).

#### **Limited engagement with political parties: missed opportunity to enhance governance capacity, intra party democracy and inclusive institution-building**

Despite the preponderant role of new political parties emerging from civil war formations in processes of post-war state-building, **international peacebuilding and development actors tend to shy away from engaging in the highly sensitive area of political party support**, which is seen as too political and partisan (Reilly et al. 2008; Dudouet et al. 2016). Besides the sensitive nature of political party support, the anti-terrorist measures put in place since 2001 have had a ‘chilling effect’ on monetary or technical assistance towards (former) power contenders (Dudouet et al. 2016).

In **Nepal**, the Maoist party remained proscribed by the US as a terrorist organisation, several years after acceding to state power and taking part in the Constituent Assembly, which severely hindered its ability to receive support to develop a democratic political programme (Dudouet 2011). The misconceived approach to DDR applied in Nepal has also hindered engagement with the Maoist party after its reconversion to peaceful politics. The approach to “discharge and rehabilitate” “disqualified” Maoist combatants adopted by the UN Interagency Rehabilitation Programme was utterly inappropriate and humiliating for the vast

<sup>26</sup> This research project commissioned by the International Network on Conflict and Fragility aimed to assess development donors’ commitments to supporting inclusive and legitimate political settlements, as formulated in the 2011 New Deal for Engagement in Fragile States’s first peacebuilding and Statebuilding Goal (PSG1). The field research focused on four New Deal pilot countries: Afghanistan, Somalia, South Sudan and Timor Leste.

majority of combatants (including minors), who had joined the rebellion out of political conviction and remained affiliated to Maoist party structures several years after their demobilisation (Robins and Bhandari 2016). Rather than focusing on (re)integrating individual ex-fighters, international assistance should have supported the consolidation of a cohesive and democratic party, and engaged party members beyond the chairman (i.e. the current Prime Minister) and his colleagues in the ‘moderate’ faction. This might have helped to prevent the formation of a breakaway party by the ‘orthodox wing’, which has severely slowed down the codification and materialisation of the new political settlement.

When they do engage in political party support programmes, donors usually “adopt blueprint approaches which are particularly inappropriate when dealing with ex-rebel parties” (Castillejo 2016: 5), and restrict their engagement to **technical and top-down assistance based on an ideal of what a political party should be, rather than engaging on central issues of representation, legitimacy, internal democracy and inclusion** (Wild and Foresti 2010).

The case of post-independence **South Sudan** exemplifies the international community’s reluctance to engage with emerging elites in a ‘critical constructive’ fashion. Donors’ optimism (or ‘wishful thinking’) about the SPLM’s inclusive vision for the new country, accompanied by a widespread notion that problems like corruption and human rights abuses were mostly products of weak capacity and inexperience, resulted in a working culture in which donors demanded little accountability and few results from their South Sudanese counterparts, while the growing symptoms of a deeply rooted crisis of governance were left obscured. Few foreign actors dared to raise sensitive political topics around the legitimacy and inclusivity of the new government, as efforts to (re-)establish central state institutions tended to take centre stage (Van Veen and Dudouet 2016).

For its part, the case of **Aceh** illustrates the shortcomings of international programmes focusing on short-term relief work, cash transfer and incentive schemes, at the expense of sustained assistance for inclusive institution-building. While there was a massive amount of peacebuilding and development aid in the immediate aftermath of the 2005 tsunami and 2006 peace accord, conflict-related programmes focused primarily on socio-economic assistance for former GAM combatants, former political prisoners and conflict-affected communities. Very little support was available for enhancing the governing skills of the new Aceh Party and building effective, lasting and inclusive institutions (Marhaban 2012, Barron et al. 2013). However, the amount of foreign aid was drastically reduced after the immediate reconstruction phase (post-2010), and “governance reform has lost momentum as ex-GAM have gained oligarchic control and have little incentive to improve institutional performance” in the allocation of public funds and the delivery of government services (Barron et al. 2013: 18).

Research also found that technical capacity-building programmes on democratic politics are unlikely to result in better governance performance if local authorities (especially those freshly demobilised from armed struggle) do not have the required **capacity “to absorb policy advice and to translate it into viable strategies and programs”** (UNDP 2012). However, peer-exchange between emerging elites and more established parties, across post-war contexts, might lead to better outcomes, since this rests on the direct sharing of experience rather than on generic textbooks.<sup>27</sup>

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<sup>27</sup> For instance, the Swedish Olof Palme International Center has been leading a peer-advice programme on transitions “From a liberation movement to a modern democratic party” since 2008, which brings together members from various political parties, including the South African ANC. The organisers seek to assist “social democratic sister parties who are undergoing a transitional phase” in transforming “from being a secret and hierarchical organization to an open democratic party, providing scope for member influence and political accountability,” through knowledge exchange amongst movements that have undergone a similar process (Olof Palme Center 2010). The peer-advice seminars for leading members from resistance and liberation movements held once a year by the Berghof Foundation also pursue a similar goal, although they primarily focus on negotiation training rather than post-war political transformation (see [www.berghof-foundation.org/programmes/dialogue-mediation-peace-support-structures/negotiation-support-for-rlms/](http://www.berghof-foundation.org/programmes/dialogue-mediation-peace-support-structures/negotiation-support-for-rlms/)).



### Poor assistance to informal elites, opposition groups and/or civil society actors beyond the state

If international support for post-war institutions is of paramount importance, it also comes with its own limitations if it reduces donor incentives to support other actors who have the potential to ‘spoil’ peace and state-building efforts or to contribute to transformative change. In our OECD-DAC-commissioned research (see footnote 26), we found that **development and peacebuilding agencies are often reluctant to engage with key non-state stakeholders such as local/traditional/informal elites, as well as opposition parties and ‘social contestation’ initiatives** that resist non-representative or self-enriching elite capture of the state, preferring instead the easy route of relying on Western-educated staff or advisors within key Ministries as privileged interlocutors. This is especially the case in hegemonic or ‘big-tent’ coalition governments that control all state institutions, preventing the rise of any meaningful political opposition outside the elite pact. This limits donors’ opportunities to support developments toward multi-party democracy or to promote the participation of marginalised groups in political processes. As civil society tends to be nascent, ill-organised or dominated by the same elites that control central governance structures, this reinforces donors’ propensity to partner with the ‘usual suspects’, i.e. Western-born or educated, moderate, middle-class NGO professionals and women’s groups (Van Veen and Dudouet 2016).

In **South Africa**, the democratic transition which accompanied the new political settlement had a strong impact on the level and nature of development and peacebuilding assistance. Indeed, once international donors normalised their relations with South Africa, they shifted their attention and resources from the civil society sector to the newly democratic government (Dudouet 2007). “While CSOs were the sole beneficiaries of foreign political aid before 1994, after democracy’s arrival they were forced to share the spoils with the new state” (Landsberg 2000: 127). Not only did this result in a severe shrinking of the funding pool available to CSOs but it also forced them to adapt to the new thematic priorities of the day, as donors requested the South African non-profit sector to “help ... consolidate sustainable democratic governance” through “strategic partnerships” with the state, while curtailing more independent functions such as protest, monitoring or advocacy-oriented activities (Landsberg 2000: 118).

### A restrictive interpretation of international mission mandates impeding long-term monitoring

Multilateral organisations such as the UN, the European Union (EU) or the Association of Southeast Asian Nations (ASEAN) often contribute to supporting inclusive post-war governance through international missions mandated to assist and verify the implementation of codified settlements (i.e. peace accords). However, in our previous research, we found that such **monitoring mandates are usually interpreted restrictively – leading to premature withdrawals – and tend to focus primarily on short-term technical issues such as DDR, at the expense of longer-term reforms to promote an inclusive state and society** (Dudouet et al. 2012).

In **Nepal**, many Maoist ex-combatants would have liked the UN Monitoring Mission in Nepal (UNMIN) to be maintained beyond the troops cantonment phase and until the process of army integration and state restructuring was complete, to ensure that their key demands with regards to federalism and security sector transformation would be met (Neupane 2012).

In **Aceh**, the EU and the ASEAN established a civilian Aceh Monitoring Mission (AMM) in September 2005. The AMM had a broad mandate to monitor the implementation of security transitions (including DDR, the withdrawal of military troops and human rights mechanisms) and political reforms (such as legislative change). However, it ended its mandate in December 2006 after announcing that it had successfully assisted the decommissioning and demobilisation processes albeit without clear assurance that the other agreement provisions would be implemented (Wandi 2012).

One case study report on **South Sudan** draws a fairly critical assessment of the failure of international guarantors of the 2005 CPA (IGAD, United Nations, African Union and the Troika) to hold the parties



accountable and to enforce their compliance with the letter and spirit of the Agreement. He asks: “What then is the point of any inclusive peace process if only the principal parties are going to be left in charge of implementation, with no national watchdog or monitoring structures, and if the supervisory role of the external forces is going to be a mere exercise in symbolism?” (Jok 2015a: 11). For its part, the 2015 peace deal provides for a multi-party Joint Monitoring Evaluation Commission, tasked with overseeing all transitional institutions and mechanisms created by the agreement. However, since the agreement itself has been hardly implemented, it is far too early to assess the Commission’s effectiveness.<sup>28</sup>

Two decades earlier, by contrast, the UN’s contribution to the materialisation of the political settlement in **El Salvador** had been much more comprehensive, especially in terms of guaranteeing the expansion of political participation. In the immediate aftermath of the peace accords, the United Nations Observer Mission in El Salvador (ONUSAL) was set up to verify observance of their security, electoral and human rights provisions. The mission comprised over 1,000 staff who remained in El Salvador for three years. UN pressure on the Government to live up to its commitments and mediation efforts in times of renewed crises, were instrumental in enabling FMLN political participation (Söderberg Kovacs 2007). Additional security guarantees were provided by the “Friends of the UN Secretary-General for El Salvador” during the peace implementation stage, for instance, by protecting political candidates from targeted assassinations.

Although this sub-section has solely focused on an agency approach to international influence, **global geopolitical or economic trends also impact on domestic environments in post-war countries**, including on the inclusive or exclusive nature of government policies. As mentioned earlier, the integration of new democracies into the global economy has led the concerned governments to endorse the globally dominant neo-liberal orthodoxy, resulting in increased unemployment, poverty and inequality (e.g. Ochoa et al. 2000).

In conclusion to this section, one might be prompted to remark that although the six political settlements under study represent great achievements in terms of opening up the political system and seeking to reform the ‘rules of the game’ towards greater pluralism and participation, democratic transition (or, for the older generation of settlements, democratic consolidation) is still ‘work in progress’ when it comes to building states that are representative of, and responsive to, all sectors of society. In fact, considering the sustained gaps between citizens’ formal equality before the law and unequal representation in state institutions or access to basic services, or the limitations posed by elites’ inability or reluctance to govern in full accordance with their codified commitments, post-war states ruled by former power contenders seem to meet the same fate as most post-war democracies. The term of *poliarchy* might thus be better fitting for such regimes characterised by “elite minority rule and socio-economic inequalities alongside formal political freedom and elections involving universal suffrage” (Hearn 2000: 818).

Various factors contributing to such an incomplete materialisation of inclusive settlements have been reviewed, ranging from capacity and financial challenges faced by power contenders once they become the new rulers, to the clash of interests which might arise among power brokers (both old and new) and the various mechanisms which affect inter-elite cooperation or competition, and finally the supportive or constraining role of international donors, interests and influences. The next section turns to the interrelations between inclusivity and stability in post-war political settlement.

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28 See [www.jmecsouthsudan.com/](http://www.jmecsouthsudan.com/)

## 5 Revolt of the Marginalised: Inclusivity and Violence Relapse

In the literature on political settlements, **both process and outcome inclusivity are strongly correlated with stability and resilience**. While exclusionary elite bargains are seen as failing to accommodate existing social divisions or providing excluded leaders with an incentive to mobilise protest and violent rebellion, outcome inclusivity, in terms of participation in decision-making arenas as well as the actual content and materialisation of new political settlements, is understood as an essential factor in achieving broad social acceptance of the new rules of the game and for curtailing social fragmentation (Ghani and Lockhart 2007; Lindemann 2008; OECD-DAC 2011; Call 2012).

One of the initial aims of this research project (entitled “Avoiding Conflict Relapse through Inclusive Political Settlements”) was to uncover the mechanisms through which inclusive processes and outcomes bring about stable settlements. This was done by selecting six cases of post-war political settlements in which the primary power contenders had not (yet) returned to violent struggle, and by tracing back the factors which induced such peaceful developments.

The **primary factor explaining the absence of violent relapse by former power contenders is undoubtedly their political inclusion** within post-war political settlements: as analysed in the previous section, in five out of six case studies, the former ‘champions of inclusivity’ are currently in power.<sup>29</sup> In the sixth case, that of Colombia, several motives are put forward to explain the lack of violence relapse by any of the power contenders that demobilised and took part in the political settlement of the early 1990s.

Although the 1990-91 peace accords and Constitution did not resolve all structural causes of the decades-long conflict in **Colombia** (e.g. exclusionary economic system and political culture), nor did it translate directly in political offices for the leaders of the demobilised guerrilla groups, the former power contenders’ frustration about these shortcomings has never been strong enough to make them rethink their decision to lay down their arms. A number of factors account for this, including the internal consensus within the demobilised groups about the inefficacy of armed struggle, the relative lack of political ambition by individual ex-combatants, and the sense of responsibility and commitment towards the new rules of the game which they had developed by taking part in political decision-making through the 1991 CA (Rampf and Chavarro 2014b).

Over the course of this research project, one of the case study countries, namely South Sudan, relapsed into armed conflict in December 2013, as the ruling party SPLM was affected by a violent internal rift which quickly descended into civil war. Beyond this major occurrence of conflict relapse, we found that all six case study countries have been affected by political, social, ethnic or criminal violence through the agency of other actors besides the primary contenders. These can be traced back to inclusivity gaps at both horizontal (5.1.) and vertical (5.2.) levels of political settlements.

### 5.1 Horizontal exclusivity and violence relapse

Most violent episodes which took place during the negotiation, codification or materialisation of post-war political settlements can be described as manifestations of horizontal exclusivity. The main source of insecurity was the occurrence of violent protests and/or sustained warfare by dissatisfied or disenfranchised

<sup>29</sup> This is confirmed by a recent quantitative study which finds that the inclusion and participation of former rebel parties in national government has an important impact on the likelihood of durable post-settlement peace (Marshall and Ishiyama 2016).

stakeholders – either among power contenders or within the new elite – rather than the re-emergence of violence along the historical conflict lines (between the old and new elite).

### **Continued violence by some power contenders (self-)excluded from the political settlement**

In both Colombia and South Sudan, some power contenders who were excluded – or excluded themselves – from the bargaining process, or who felt that the new political arrangement did not meet their personal aspirations or their collective agenda, either refused to demobilise or took up arms (again) in the wake of peace agreements.

**Colombia** has seen ongoing armed conflict persist between the state and guerrillas who did not take part in the 1991 political settlement. Both the FARC and ELN, who are currently – 25 years later – negotiating their own peaceful transition, largely refer to structural conflict causes which had not been resolved by the new constitution as the motive behind their sustained armed insurgency. For their part, paramilitary groups and drug cartels which intensified violent attacks against both demobilised and active guerrilla organisations, were motivated by goals unrelated to the political settlement (i.e. criminal or profit-driven intents) and were supported by pro-status quo political and economic elites.

In **South Sudan**, violence never really ceased in the wake of the CPA and independence, due to the failure of the political settlement to address “smaller conflicts happening within the larger conflict” along the north-south divide, as well as the relative failure of DDR programmes (Jok 2015b: 2). Indeed, various militias – that were unaffiliated to either side of the Khartoum government and SPLM divide – were excluded from the peace negotiations and asked instead to join one or the other army: “this totally ignored the grievances that had drawn them into the war and therefore, becoming spoilers down the road, wreaking havoc on both sides of the border” (Jok 2015a: 3). As a result, the materialisation of the CPA did not even fulfil its most basic promise of restoring peace in the country.

The case of **South Africa** can be described as a counter-factual: although the negotiations between the ANC and the white minority government took place amidst increased street violence – largely orchestrated by elements of the security establishment which were opposed to a new political settlement (the so-called ‘fifth column’), political violence ceased after the 1994 election and has not resurfaced. Furthermore, all armed factions of the various opposition movements became integrated into the reformed security apparatus. One case study report mentions an interview with the former leader of a black homeland, in which he was asked why he did not resort to an armed rebellion after being expelled from the ANC in 1996, given his military credentials and popularity. He cited the ongoing democratic transition and Mandela’s willingness to welcome contributions to society from outside the ANC, as his primary motivation to embrace the new political settlement (Graham 2014b: 12).

### **Splinter violence motivated by internal exclusivity within the new elite**

As reviewed earlier, few power contenders manage to democratise their leadership and membership structure once they enter the sphere of democratic politics. The December 2013 crisis in South Sudan most prominently illustrates the risks of conflict relapse prompted by internal disputes within the new elites, with some members dissatisfied with the distribution of ‘peace dividends’ and feeling marginalised by their own party, thus triggering a return to violence in a bid to renegotiate the terms of the post-independence political settlement.

In **South Sudan**, most internal discontent within the ruling SPLM party came from leading members who had participated in the negotiation of the new political settlement and subsequently held key positions in the post-war government since 2005. These elites’ unhappiness resulted from their realisation that the settlement that they had subscribed to was in fact unfavourable to them: even though they held public

office, the jobs they were given were superficial and did not amount to decision-making powers, control of resources (i.e. government jobs, contracts and development programmes) and meaningful influence in the army. The most prominent case is that of former Vice President Riek Machar Teny, who had been the leader of a 1991 party split and had re-joined the SPLM in 2002, just in time for the CPA peace negotiations. Although he became second in the hierarchy of the political party and the Executive, his personal ambition and grievances drove him to a belligerent insubordination to the President of the country and Chairman of the ruling party. After being removed from office along with other senior Ministers and Governors in a major reshuffle in July 2013, he set up an opposition front against the President, setting the country on a path of confrontation which culminated in the eruption of a violent conflict that is now threatening the viability of the entire state of South Sudan (Jok 2015b: 10-11).<sup>30</sup>

Internal contest within the new elite in **Aceh** took the form of electoral violence in the 2009 and 2012 contests, which saw an increasing number of election-related killings. In 2012, the intra-GAM split led to significant violence around the election period, “especially in former-GAM strongholds where divisions within the former rebel group are the most pronounced”. However, the decision by former Governor, Irwandi Jusuf, to establish a new party after its electoral defeat against his former GAM comrades – rather than to resist Aceh Party violently –, shows that “inter-elite competition in Aceh can potentially be managed through democratic processes” (Barron et al. 2013: 34).

The Maoist party in **Nepal** was also affected by a split, though the breakaway party was less motivated by personal ambitions than ideological divide, and has not (yet) returned to arms. In 2012, the then Maoist party Vice-President, Mohan Baidya (alias Kiran), led the dissenting faction who accused the mainstream leadership of destroying the achievements of the ‘people’s war’ and adopting the Westminster system of liberal democracy as an opportunistic move to gain power. The splinter party has attracted the majority of former combatants, who did not integrate the army and were left out with extensive experience and knowledge of insurgency. As expressed by an interviewee, “They are trained people, so they know how to fight, how to make ammunitions, and possibly, where to go and get those arms and ammunitions. So, the question is when and how the armed conflict will relapse” (cited in Mabuhang 2015: 23).

## 5.2 Vertical exclusivity and violence relapse

Shortcomings in outcome inclusivity can also lay the foundations for violence and instability when power contenders are included in a political settlement but the rest of society remains left behind, and when the new power-holders are unable to deliver the promised structural transformation to those suffering from long-standing marginalisation. While it does not necessarily lead to the re-radicalisation of demobilised armed groups nor the emergence of new ones, sustained inequality and deprivation might result in a transfer of violence from the political to the social arena, or to outbursts of community riots and sectarian killings. A research project by the UK-based Centre for Research on Inequality, Human Security and Ethnicity (CRISE) found that while political exclusion pushes elites to rebel, economic exclusion mobilises the masses to participate in conflict (Stewart 2010). We relate such phenomena to the vertical dimension of exclusivity as they are rooted in malfunctioning state-society (as well as inter-societal) relations.

### Ethnic violence

Both Nepal and South Sudan illustrate the dramatic consequences of political settlements which fail to unify a nation and bring about social cohesion between its various ethnic, tribal, clan-based or national

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<sup>30</sup> A power-sharing deal was concluded in August 2015, which led, after many months of delay, to Riek Machar being reinstated as Vice President in April 2016; however, the fighting resumed and the agreement is yet to be implemented in earnest.

components. The main difference between the two cases is that ethnic-based violence took the form of (seemingly) spontaneous riots over the terms of codification of the Nepali political settlement, while in South Sudan it was more directly orchestrated by disgruntled leaders who mobilised members of the armed forces as well as various militias.

Outpourings of violence among ethnic minority groups in **Nepal**, which previously formed part of the Maoist constituency, can be regarded as a reaction to the perceived failure of the CPN-M to live up to its inclusive agenda once in position to implement state policy. The first episode took place in the context of the Interim Constitution (IC) in early 2007. The Madheshi community from the Terai plains region in Southern Nepal, was not represented in the drafting committee and as a result did not include its historical demand for a federal state. On the day of the promulgation of the IC, the Madheshi community, as well as other marginalised groups, announced a protest movement, which turned into violent armed confrontations taking the lives of at least 53 people. Negotiations between the interim government and the insurgents led to the resolution of the conflict by amending the IC and officially declaring Nepal a federal democracy (Khatiwada 2014). The second, more sustained episode of violent outburst among the Madheshi (and Tharu) communities, took place in the wake of the promulgation of the final Constitution in September 2015, which failed to fulfil their demands for an ethnic-based federal structure and specifically, the creation of a single Madhesh province. These constituencies have high hopes that the newly-elected Maoist Prime Minister (as of August 2016) will be able to amend the constitution to take these grievances onboard and restore stability in the Madhesh.

In **South Sudan**, what started as a power-based rebellion within the SPLM (see above), quickly descended into a fully-fledged civil war along ethnic lines, throughout the country. The civil war was fuelled by perceptions of unequal representation, power and wealth distribution across the diverse communities of South Sudan. The President was accused of favouring his own ethnic group, the Dinka, at the expense of the second largest group, the Nuer. Massacres of Nuer civilians in Juba at the hands of Dinka soldiers were followed by an outbreak of revenge attacks in Jonglei, Upper Nile and Unity states, that were predominantly carried out by the Nuer against the Dinka. The spread of the conflict can be explained by a mix of factors related to the failure of nation-building, memories of unsettled past ethnic conflicts, the unchecked impunity of the war days, and a lack of justice and accountability for crimes committed in the name of liberation (Jok 2015b).

## Social violence

Finally, a last type of violence which has appeared in several country cases, and especially in El Salvador, South Africa and Aceh, is rooted in the failure of the new settlement's materialisation to provide socio-economic inclusion for all citizens (including former combatants). Such circumstances have manifested in various forms of 'non-conventional' violence, from urban youth gangs to organised crime.

Youth gangs in **El Salvador** have become the main cause of deaths in the country and represent a serious cause of insecurity through their involvement in the trafficking of arms, drugs and people. This phenomenon can be partly explained by structural injustices which have persisted despite the new political settlement. Nevertheless, according to Cruz (2013), other factors should be taken into account, such as the migration flows from and to the USA, the culture of violence and easy access to weapons. The FMLN government's response to this violence alternates between the militarisation of citizen security and negotiation attempts with gang leaders: granting them prison privileges in exchange for their commitment to reduce homicides caused by inter-gang conflicts. The results of dialogue approaches have proven to be quite ambivalent, and have failed to provide an institutional strategy for the reconstruction of the rule of the law in the country (Ramos et al. 2015).



In **Aceh**, the difficulties met during the DDR process – due to the large discrepancy between the official number of verified GAM members and the much higher number of self-proclaimed combatants – led to an unequal distribution of reintegration benefits and employment opportunities (Wandi 2012). In this context, many lower-level, former fighters have turned to crime for pecuniary purposes. It was estimated in 2009, that 90% of criminal activity in East Aceh district was carried out by ex-combatants who were frustrated with the lack of post-war assistance (ICG 2009). Former combatants have also used violence against their ex-commanders, “to signal discontent and continuing coercive capacity to elites with the aim of increasing downwards patronage flows” (Barron et al. 2013: 37).

The table below lists the aforementioned cases of violence resurgence along the two dimensions of timing and origins (and actors) of relapse.

Table 4: Instances of Violence Relapse

		Negotiation Stage <sup>31</sup>	Codification Stage	Materialisation Stage
<b>Horizontal Exclusion</b>	Intra-elite			S.Sudan 2013-16
	Inter-elite	S. Africa 1990-94		S.Sudan since 2005 Colombia since the 1990s Aceh during 2009/2012 elections
<b>Vertical Exclusion</b>	Ethnic exclusion		Nepal 2013; 2015-6	S.Sudan 2013-16
	Social exclusion			El Salvador (ongoing) S. Africa (ongoing) Aceh (ongoing)

It is difficult to draw clear conclusions from this section. We found that despite various attempts to negotiate and codify inclusive political settlements, power contenders are likely to be faced with upsurges of violent revolt within their own ranks as well as on the part of other political or social actors, which is especially the case during the materialisation stage, as it ineluctably leads to disappointments and frustrations regarding the slow pace of reform. The limited sample of cases explored in this research did not allow us, for instance, to come to decisive findings that might explain why some emerging post-war elites are affected by violent internal splits while others remain cohesive and peaceful. What is clear though is that **South Sudan’s** settlement, which was described in previous sections as one of the least inclusive in its negotiation, codification and materialisation stages, has also been the most fragile and violently contested settlement. Asking what dimensions of exclusivity might have caused the most dramatic instance of violent relapse in late 2013, Jok (2015b) traces it back to inclusivity gaps across all three stages of the 2005/2011 political settlement, and identifies three complementary factors which could have prevented it: (1) a broad-based process in which the voices of all stakeholders are represented; (2) the inclusion of root conflict causes into the agenda of the peace talks; and (3) efforts to look past the peace agreement and create the environment and mechanisms for institutional reform that could have better promoted security, reconciliation, social cohesion and citizenship.

<sup>31</sup> Although only the case of South Africa is reported here, most contexts under scrutiny faced violent incidents during the negotiation period, given the ebb and flow of peace talks (often interrupted by renewed confrontation) or the strategies of ‘fighting while talking’, adopted by governments and power contenders in many conflicts (including South Sudan).



## 6 Conclusion

Given the length of this report and the richness of the compiled information, this final section does not aim to offer a comprehensive summary of all findings, but to rather address the original research questions as formulated in Section 1, before suggesting some policy implications for international assistance to foster inclusive, participatory, representative and responsive post-war political settlements.

### 6.1 Main lessons learnt

Due to the heterogeneity of the cases and timing of the transitions under scrutiny, we did not attempt to systematically compare political settlements across the six country cases ('over space'), but instead, we rather focused on comparing successive phases and arenas of decision-making and state reform within each case ('over time'). Nevertheless, while doing so, we found some emerging patterns despite the distinctiveness of each individual context, which enable us to offer a few lessons learnt on the four main areas of enquiry identified at the onset of the project.

#### What are the dimensions of, and criteria for, *inclusivity* during political settlement and state-building processes?

##### » *Process inclusivity*

With regards to the arenas of negotiation and decision-making over the contours of new political settlements, such processes can be assessed as highly inclusive on the **horizontal level** when all sectors of the state (government, army, main parties in parliament, economic elite, religious and traditional authorities) and all branches of armed opposition groups (e.g. civil and military, exiled and local leaders) are represented – or at least are given the possibility to do so. Indeed, in some contexts (**Colombia, South Africa**), a number of powerful actors voluntarily excluded themselves from negotiation and dialogue arenas. On the other hand, such arenas can be considered as highly **inclusive vertically**, when non-elites (especially marginalised communities) are granted avenues for effective participation (with decision-making power) or legitimate representation.

Unsurprisingly, we found the most inclusive decision-making arenas to be National Dialogues (**South Africa**) and Constituent Assemblies (**Nepal** and **Colombia**), according to the degree of public participation in all stages of the process: from summoning these arenas (e.g. referendum) and selecting participants (elections, guarantees for minority participation beyond the traditional elite and main contenders), to actual decision-making (mechanisms favouring minority positions) and procedures validating or legitimising their outcomes (e.g. referendum).

##### » *Outcome inclusivity*

Outcome inclusivity refers to the stages of formal codification and actual materialisation of political settlements. Both in written texts regulating state reform and state-society relations (e.g. peace accords, constitutions, binding laws and regulations), and in the practice of policy-making, inclusivity can be assessed along two dimensions, namely, the **representativeness of state institutions** vis-à-vis their citizens (e.g. whether their composition and leadership reflect the structure of society), and the **responsiveness of**

**policy-makers** with regards to the distribution of rights and entitlements across groups and classes in society.

We found the six country cases to have achieved only partial inclusivity. On the one hand, rather than a mere inclusion of power contenders into an unreformed system, they underwent genuine transformations of the state and governance system based on new codified rules of the game. Nevertheless, the increased horizontal inclusivity enabled by the opening of the political system did not fully translate into higher vertical inclusivity. In other words, formal political reforms have mostly benefitted the political class – existing and emerging elites –, while in most cases, the codified mechanisms for direct democracy and citizen participation failed to be fully implemented as the political culture remained unchanged. As democratic transition theorists have argued, democratisation often coincides with a decline in popular mobilisation to make way for institutionalised politics. This translated into civil society activists and organisations being largely absorbed into the new state structures, losing their ability to retain an independent critical voice or ‘watchdog’ function for a healthy democracy. In addition, socio-economic equality was hardly achieved for marginalised sectors of society (such as women, ethnic minorities, or the poor), who remained largely deprived of equal access to state institutions, service delivery and the recognition of their cultural identity.

### **Under which conditions do inclusive negotiation and decision-making *processes* lead to inclusive governance *outcomes*?**

We investigated this question in two steps. First, we compared the level of actual participation of conflict stakeholders and non-elites in negotiation and decision-making processes over the contours of state reform, with the extent to which their grievances were addressed in the formal texts codifying the political settlement. What we found is a **positive relation, but no strict causal correlation between *who participates in decision-making and the contents of codified settlements***. Some codified outcomes were assessed as highly inclusive even though the process through which they were reached was not. Inversely, we also found instances where inclusive decision-making mechanisms led to imperfect or ambivalent written outcomes, or even failed to reach the codification stage.

Secondly, we compared the stages of codification and materialisation, where we actually found the biggest disconnect. As mentioned earlier, **some sectoral provisions of codified political settlements were very rarely put into practice**, such as the socio-economic dimension of inclusive governance and state-society relations, or the transformation of the political culture. What remains unclear in certain cases is whether the parties to the settlement genuinely intended to transform all root causes of exclusionary governance but failed to do so, or if they in fact had modest claims right from the start (see more below on power contenders’ agendas).

The case studies also reveal a number of factors that either support or impede an effective materialisation of inclusive governance and state-building, which we classified in four main themes:

- ≡ Firstly, the power-holders’ **financial and technical capacities to implement agreed reforms** strongly affect the nature of post-war settlements, especially if the government is run by newly emerging elites with little experience of running state institutions, or if they are tasked with the daunting challenge of building a country from scratch.
- ≡ Secondly, regardless of their capacity, formal as well as informal (e.g. economic or social) elites need to have enough **political will to redistribute power and resources** in an inclusive fashion. We found that most power contenders tend to shift their policy discourse and moderate their ambitious agendas once they establish a political party or join the state apparatus; that codified decisions have little chance of being effectively materialised if they are not supported by a large majority of power brokers across both the old and the new elites; that inversely, excessive consensus through power monopoly or ‘big tent’ coalitions do not contribute to healthy, pluralist democracies; and finally, that ambitious reforms can be countered or prevented by pro-status-quo forces, given the persisting domination of

- traditional/incumbent elites through informal power bargaining channels. In order for such actors to adopt a cooperative attitude, they need to feel that their interests will be protected under the new order.
- ≡ Thirdly, **institutional or procedural mechanisms** can also help to protect the new rules of the game. These include: binding implementation mechanisms that ensure the translation of codified principles into actual laws and regulations, and the involvement of ‘codifiers’ in the materialisation stage in order to prevent the ‘old’ elites from imposing counter-reforms; mechanisms encouraging political pluralism and inter-elite cooperation, both in early interim periods (through power-sharing and other confidence-building measures) and over the long-term (through representative systems preventing winner-takes-all majorities, or devolution mechanisms mitigating power monopoly); and finally, mechanisms enabling continuous inter-party and state-society dialogue and re-negotiation over the political settlement.
  - ≡ Fourthly, **international donors and agencies also play supporting or constraining roles**. For instance, we found that international peacebuilding and development actors are very reluctant to engage political parties (especially those emerging from power contending groups) on central issues of representation, legitimacy, internal democracy and inclusion. The same agencies also tend to shy away from engaging with other sensitive stakeholders (e.g. traditional elites or opposition groups) that have a stake in political settlements and the power (or the ambition) to influence them. International programmes often remain limited to short-term technical support to state institutions and a handful of civil society groups, and fail to offer sustained monitoring of the parties’ commitments to long-term inclusive reforms.

#### **Under what conditions do *power contenders* transform from excluded actors to included elites ... and inclusive policy-makers?**

From an actor-focused perspective, this report placed its primary focus on (former) power contenders - defined as organisations violently contesting the state’s legitimacy and monopoly of force, given their central role in peace processes and post-war political settlements. Several recurrent themes were identified across the six cases.

Firstly, we found that **exclusionary state-society relations represented a strong conflict mobilisation factor** for power contenders, who placed inclusivity (translated into various local denominations) at the heart of their governance agendas – either as an ideology-driven principle, or as a method to reach strategic gains that might later be **converted into bargaining power at the negotiation table, or electoral support** in the post-war era. These movements were indeed seen to carry out the will of their people (including their civil society allies) at the negotiation table, and built on such representative power, to play a central role in both peace processes and political settlements.

In the materialisation stage, all major power contenders under scrutiny transformed into political parties and reached various levels of success in post-war politics. Some of them even **became the new hegemon controlling all sectors of the state**, including the security apparatus and the economic/business sector. As a result of their institutionalisation, all power contenders underwent a de-radicalisation of their policy discourse and reform agendas. Moreover, the extent to which these new power-holders were able to reflect the political, social, gender, ethnic and regional makeup of society within their own organisational structures has a direct influence on the degree of social responsiveness of their resulting policies. Nevertheless, and for the aforementioned reasons, these emerging elites have to a large extent been **unable to build states that are fully representative of, and responsive to, all sectors of society**. In that sense, it can be argued that former rebels in government tend to behave just like any post-war government; the main distinction lies in the sharp contrast between the high expectations they have raised – by promising an inclusive state for all and the uplifting of all marginalised communities – and the sobering reality of the policies they (can) deliver.

### What are the actual (vs. assumed) attributes and *benefits* of inclusivity?

Finally, an important goal of this research was to ‘test’ a number of normative attributes which are often associated with inclusive processes and outcomes in the literature on political settlements and peacebuilding, and more largely in policy discourses such as the New Deal or relevant UN Resolutions.

#### » *Empowerment*

This research aimed to find out under which conditions negotiations over political settlements lead to “an increased ability of marginalised actors to influence the different institutional arrangements that influence their own lives” (Khan 2010). Our findings strongly confirm that **direct participation in a decision-making arena does not by default translate into substantial decision-making power**, since participants do not come to a decision-making arena equipped with equal power and resources. We explored a few strategies used by representatives from power contenders and marginalised groups to compensate their structural, institutional, cultural or technical imbalance with incumbent elites, and to avoid a situation of ‘internal exclusion’ (i.e. participation without influence). We also stressed, however, that even ‘symbolic’ participation by marginalised communities in political settlement processes can still contribute to their empowerment regardless of the achieved substantive outcomes, by allowing them to voice their concerns and join the formal political arena, and by preventing the development of accumulated grievances that might later aggravate the risk of violence relapse.

#### » *Legitimacy*

In this project we defined legitimacy as ‘societal acceptance and support’ for a given process or outcome. With regards to process inclusivity, we found that the **genuine representation of societal interests by political parties or negotiation teams** (e.g. power contenders) helps to resolve the participation/empowerment gap, as this might result in outcomes that are more socially accepted than ‘fake’ participatory processes characterised by the ‘internal exclusion’ of marginalised constituencies.

When it comes to outcome inclusivity, under which conditions do power contenders’ legitimacy endure beyond the negotiation process and translate into long-term electoral support? To what extent is the legitimacy of emerging elites affected by their relative inability to bring about the promised peace dividends to all? Even though it might be difficult to generalise the patterns observed across the six cases, our small sample reveals some **notable differences between governments born out of self-determination or liberation movements, and those emerging from ideological insurgencies**. Thanks to their wartime legacy as heroes and servants of their people, the former tend to enjoy sustained popularity and confidence by the vast majority of their electorates, long after their transformation and in spite of their limited achievements – although the ANC’s popularity is slowly being eroded in **South Africa**, and both GAM and the SPLM are facing strong internal contestation in **Aceh** and (most dramatically) in **South Sudan**, respectively. On the other hand, parties formed by former (leftist) ideological insurgencies seem to be more quickly judged on their actual governance achievements, as witnessed by the M19 in **Colombia** and the Maoists in **Nepal**. The FMLN in **El Salvador** underwent a quite unique trajectory, starting as an opposition party and slowly building on the old elites’ poor governance record to eventually reach state power two decades after its demilitarisation, nonetheless in a context of acute socio-economic inequality, which became a breeding ground for social and criminal violence.

#### » *Effectiveness*

We also explored the dilemma pertaining to ‘excessive’ inclusivity in negotiation arenas: on the one hand, the multiplication of actors with divergent interests at the negotiating table makes it harder to

reach consensus and might lead to an unworkable compromise. On the other hand, the representation of all concerned stakeholders and their grievances are a prerequisite for broader popular support and legitimacy, and thus vital to guarantee the sustainability of any signed agreement. Based on the processes and shortcomings described in the six case studies, we identified **four possible formulas to combine participatory mechanisms while sustaining the interest of elites** so that they do not act as ‘spoilers’: incremental inclusivity; thematic multi-arena inclusivity; parallel consultation forums with built-in binding mechanisms; and informal deadlock-breaking mechanisms within inclusive formal arenas (see Section 3.3.3.).

» *Stability*

Finally, our research demonstrated that violence relapse is strongly correlated with inclusivity gaps at various stages of post-war political settlements. Although none of the six cases under scrutiny experienced the use of violence by excluded groups attempting to demand participation during the bargaining process itself, we found several instances of relapse (or refusal to demilitarise) by both excluded and included groups (or disenfranchised factions within the new elite), provoked by a discontent regarding the codification and materialisation of inclusive governance. Either state-building processes failed to address the primary and/or secondary conflict line, or the new political arrangements did not quite meet the personal or collective aspirations of former combatants and marginalised communities. While **horizontal (intra- or inter-elite) exclusion was primarily associated with political violence, sustained vertical (state-society) exclusion has resulted in ethnic, social or criminal violence.**

## 6.2 Implications for international support

As seen in Section 4, international actors – such as mediators, peacebuilding agencies or development donors – can influence domestic political settlements in post-war contexts, by either promoting or hindering process-related as well as outcome-related inclusivity. Although only internally-led and owned processes are able to produce sustainable settlements emerging out of existing social forces and representing real interests (Chandler 2006; OECD-DAC 2011), bringing about inclusive ownership in fragmented societies that often display severe power asymmetries and low levels of social capital is a major challenge. Therefore, external support may be necessary to bridge capacity gaps and encourage political will, as long as international agencies ensure that their own normative approaches to inclusive democracy do not override local governance norms and habits. This final sub-section suggests some lessons learnt for international support based on the report’s findings, which are also confirmed by other studies on political settlements and development assistance (Asia Foundation 2010; Elgin-Cossart et al. 2012; Castillejo 2014; Van Veen and Dudouet 2016).

### **Process focus: Supporting participatory negotiations and decision-making arenas**

Bargaining processes over the contours of new political settlements, such as peace negotiations, national dialogues or constituent assemblies, represent real windows of opportunity for international actors to promote and encourage inclusivity, be it through mediation, funding, technical advice or diplomatic pressure. The findings presented in Section 3 have some direct implications for the design of effective support strategies by mediators and peacebuilding agencies, through capacity-building, substantive or procedural inputs, and through constructive engagement with those resisting constructive social change.



» *Capacity = Bridging the participation/influence gap*

The concept of inclusivity is most often interpreted in international policy guidelines as increased participation in political transition processes – beyond the government and the main armed opposition groups (i.e. power contenders). Donors and peacebuilding practitioners can support the effective participation of civil society actors, women or ethnic minorities in negotiation arenas by enhancing these actors’ ability to articulate their own claims for inclusion and to engage in the political contests necessary to enact them. Once participants have been selected through elections, quota systems or by nomination, foreign experts can also design support programmes targeting non-elite delegates, in order to build up their technical capacity and expertise on the issues at stake, and thus increase their ability to have a real influence on the negotiated outcomes. The real challenge here is to draw in genuine representatives from marginalised communities, since “more rooted, local-level community leaders tend to be less visible and attractive to international actors [than middle class, urban based civil society leaders] because of a lack of connections, limited institutional capacity and the inability to speak donor language” (Castillejo 2014: 8). However, it is crucial that international actors find ways to meaningfully include such stakeholders in decision-making processes, because their high level of local legitimacy and representation power can compensate for their lack of experience in political bargaining processes.

» *Mechanisms = Support options for incremental/thematic/consultative inclusivity*

Taking into account the empowerment and efficiency dilemmas presented in Section 3, international donors and agencies supporting inclusive political settlement processes should also explore more nuanced approaches to participation, beyond physical presence in a given negotiation arena. For instance, we found that the most efficient strategy to bring in all relevant societal voices without impeding the efficiency of decision-making mechanisms is through an incremental process starting with ‘elitist’ but efficient peace talks behind the scenes to end violence, followed by an inclusive dialogue over the root causes of conflict resulting in a comprehensive package of reforms. Foreign mediators and advisors involved in peace negotiations can support such an approach by suggesting that the parties agree on minimalist peace accords, with built-in provisions committing them to setting up inclusive structures with a legitimate mandate and validation process (e.g. referendum) where the substantive conflict issues will be resolved.

We also argued that inclusivity can be achieved more efficiently through binding consultation channels than by bringing too many voices to the table itself. Therefore, in addition to providing third-party mediation and facilitation between the main stakeholders, international actors can support, both financially and technically, the organisation of parallel consultation channels during peace talks, in order to facilitate a dual process of bottom-up transmission of societal inputs, and top-down dissemination of information on the bargaining process. If effective, such channels can greatly help to legitimise both the negotiation process and its resulting outcomes.

» *Political will = Analyse and engage informal elites and potential spoilers*

In order to prevent formal inclusive arenas such as national dialogues or constituent assemblies from being dominated or hijacked by informal elite pacts behind the scenes, international sponsors of inclusive post-war transitions should first undertake a thorough analysis of the prevailing political settlement to better understand who are the most relevant stakeholders, what their interests are, where they draw their legitimacy from and what resources they can mobilise to pursue their goals. Once all power brokers and potential ‘spoilers’ are identified, international actors should look for potential avenues to reach out to them, be it through diplomatic, business or religious connections. Such communication channels can be used to ‘socialise’ these actors to the benefits of inclusive decision-making, and to encourage them to raise their concerns within the public sphere of formal arenas. Mediators and peacebuilding practitioners

should also explore whether informal decision-making arenas can be turned into constructive spaces, for instance, as deadlock-breaking mechanisms.

### **Outcome focus: Supporting the materialisation of inclusive settlements**

A key message from this research is that international actors should not assume that a participatory bargaining process automatically results in an inclusive outcome. Instead, they should remain engaged both during the formulation of codified settlements (e.g. by suggesting specific constitutional provisions addressing the needs of the marginalised) and during their materialisation, by supporting the capacity and readiness of both incumbent and emerging elites to implement inclusive policy agendas.

» *Capacity = Bridging the governance/capacity gap of new elites*

Supporting emerging post-war elites (especially when made up of former armed militants) requires careful balancing between various priorities, which are all equally important. These include: building up leaders' capacities to govern, through training and international exchange or peer-advice programmes; reaching out beyond the leadership to engage with minority voices (e.g. women and youths, but also dissidents or 'hard-liners'); developing political reintegration schemes (alongside, or as part of, DDR programmes) for former mid-level and rank-and-file combatants who wish to play a part in transforming their country; and supporting the new government's state-building ownership by channelling foreign aid into government programmes (through budgetary support or sectoral funding for reconstruction and reforms) rather than implementing parallel projects.

On the other hand, donors and peacebuilding agencies also need to provide support to social and political forces that are not part of the establishment, in order to enhance capacities for peaceful social contestation. In the case of post-war countries ruled by former liberation movements turned into hegemonic power-holders, in the absence of meaningful opposition or independent civil society, excluded forces are not given adequate space to make their voices heard to contest political processes and policies. It is thus paramount to support alternative social and political forces that can provide balance to governing elites, by conferring legitimacy to such actors, building their capacity and offering them the protection necessary to contest in the political arena, without prejudicing or prescribing outcomes (Van Veen and Dudouet 2016).

» *Political will = Incentivising reforms*

The forms of support which have just been described are conditioned by the new elites' willingness to carry out inclusive transformations, and the old elites' readiness to cooperate or at least to allow reforms to take place. When such incentives do not exist, international actors need to identify potential allies (e.g. reform-minded individuals) within the elite pact, while avoiding to increase polarisation or provoke splits that may lead to violent relapse. Those external actors that enjoy some degree of trust among the new power-holders can in fact intervene to heal internal rifts and encourage a culture of internal deliberation, transparency and peaceful dispute settlement within elite groups, in order to prevent or resolve exclusion-related grievances by some members (as illustrated by South African efforts to reconcile three warring factions of the SPLM during the post-2013 negotiations). Over the longer-term, donors can continue to build incentives for broader political reform, through development and trade relationships, while supporting a progressive shift in social, cultural and political norms around inclusive democracy and minority rights, through research, education and media work. Such normative transformations within society can indeed help change the political realities and increase pressure on established elites to adopt inclusive agendas, by making exclusion harder to sustain or justify.

» *Mechanisms = Opening spaces to monitor and re-negotiate the political settlement*

Several procedural and institutional mechanisms were presented in Section 4 as offering both interim and long-term guarantees for horizontal inter-elite cooperation, and vertical state-society dialogue. International agencies are well placed to support and enhance such spaces, be it through facilitation, funding, training, promoting or monitoring roles. Particular attention should be given to mechanisms that institutionalise a culture of dialogue and societal consultation, such as inclusive committees monitoring the implementation of sectoral reforms, or local peace committees preventing or resolving arising expressions of societal discontent.

The aforementioned areas of engagement imply a large degree of risk-taking for international agencies, both in terms of engaging more directly in the political realm (as opposed to focusing solely on technical state-building assistance) and working with actors beyond their usual counterparts (including political parties), on highly-sensitive but central issues of representation, legitimacy, democracy and inclusion. However, we believe it is definitely worth the risk, if they want to get closer to their self-ascribed goals of supporting “reconciliation and sustainable peace ... [through] broad and inclusive participation” (UN 2015), or achieving “legitimate politics [through] foster[ing] inclusive political settlements and conflict resolution” (New Deal for Engagement in Fragile States 2011).

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## 8 Acronyms

<b>AD-M19</b>	Democratic Alliance-M19 (Colombia)
<b>AMM</b>	Aceh Monitoring Mission
<b>ANC</b>	African National Congress (South Africa)
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>CA</b>	Constituent Assembly
<b>CINEP</b>	<i>Centro de Investigación y Educación Popular</i> (Center for Research and Popular Education) (Colombia)
<b>CNSCC</b>	<i>Consejo Nacional de Seguridad Ciudadana y Convivencia</i> (National Council for Citizen Security) (El Salvador)
<b>CODESA</b>	Convention for a Democratic South Africa
<b>COSATU</b>	Congress of South African Trade Unions
<b>CPN-M</b>	Communist Party of Nepal (Maoist)
<b>CPA</b>	Comprehensive Peace Accord
<b>CSO</b>	Civil Society Organisation
<b>DDR</b>	Disarmament Demobilisation Reintegration
<b>DFID</b>	Department for International Development (UK)
<b>EPL</b>	<i>Ejército Popular de Liberación</i> (Popular Liberation Army) (Colombia)
<b>FARC</b>	Revolutionary Armed Forces of Colombia
<b>FCAS</b>	Fragile and Conflict-Affected States
<b>FMLN</b>	<i>Frente Farabundo Martí para la Liberación Nacional</i> (Farabundo Martí National Liberation Front) (El Salvador)
<b>GAM</b>	<i>Gerakan Aceh Merdeka</i> (Free Aceh Movement)
<b>GNU</b>	Government of National Unity
<b>GoSS</b>	Government of South Sudan
<b>IC</b>	Interim Constitution
<b>IGAD</b>	Intergovernmental Authority on Development (Horn of Africa)
<b>INGO</b>	International Non-Governmental Organisation
<b>KPA</b>	<i>Komite Peralihan Aceh</i> (Aceh Transitional Council)
<b>LOGA</b>	Law on Governing Aceh
<b>M19</b>	19 <sup>th</sup> of April Movement (Colombia)
<b>MAQL</b>	<i>Movimiento Armado Quintín Lame</i> (Quintin Lame Armed Movement) (Colombia)
<b>MoU</b>	Memorandum of Understanding
<b>NCP</b>	National Congress Party (Sudan)
<b>NP</b>	National Party (South Africa)
<b>OECD-DAC</b>	Development Assistance Committee of the Organisation for Economic Co-operation and Development
<b>PLA</b>	People's Liberation Army (Nepal)
<b>PRT</b>	<i>Partido Revolucionario de Trabajadores Colombiano</i> (Workers Revolutionary Party) (Colombia)
<b>SIRA</b>	Aceh Referendum Information Central
<b>SPLM/A</b>	Sudan People's Liberation Movement/Army
<b>UCPN-M</b>	United Communist Party of Nepal – Maoist
<b>UN</b>	United Nations
<b>UNDP</b>	United Nation Development Programme