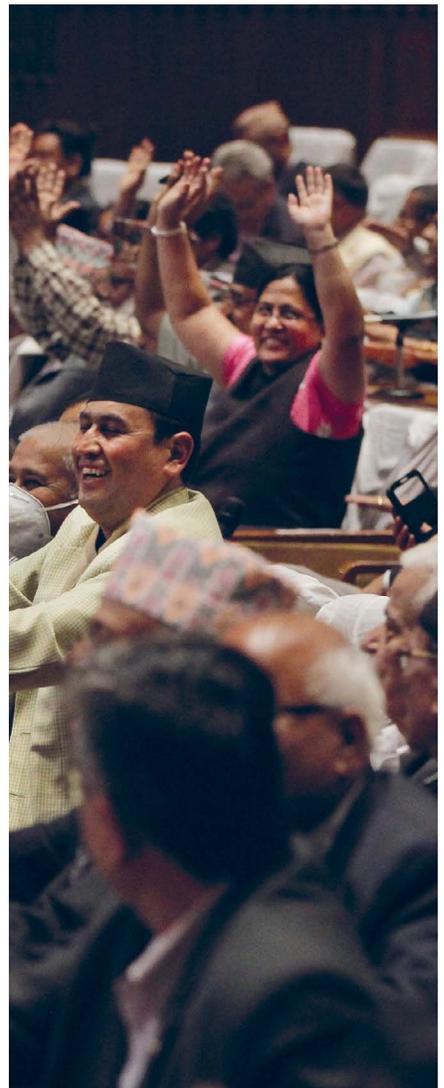


## Report

# What Makes or Breaks National Dialogues?



Thania Paffenholz, Anne Zachariassen, and Cindy Helfer



The Inclusive Peace & Transition Initiative (IPTI) is dedicated to evidence-based research and its transfer to policy and practice. The objective of the Initiative is to support sustainable peace by providing expertise and information on the inclusion of diverse actors in peace and transition processes. This expertise draws on the largest qualitative database of inclusive peace and political reform processes globally. The Initiative is part of the Graduate Institute of International and Development Studies in Geneva, and is led by Dr. Thania Paffenholz.

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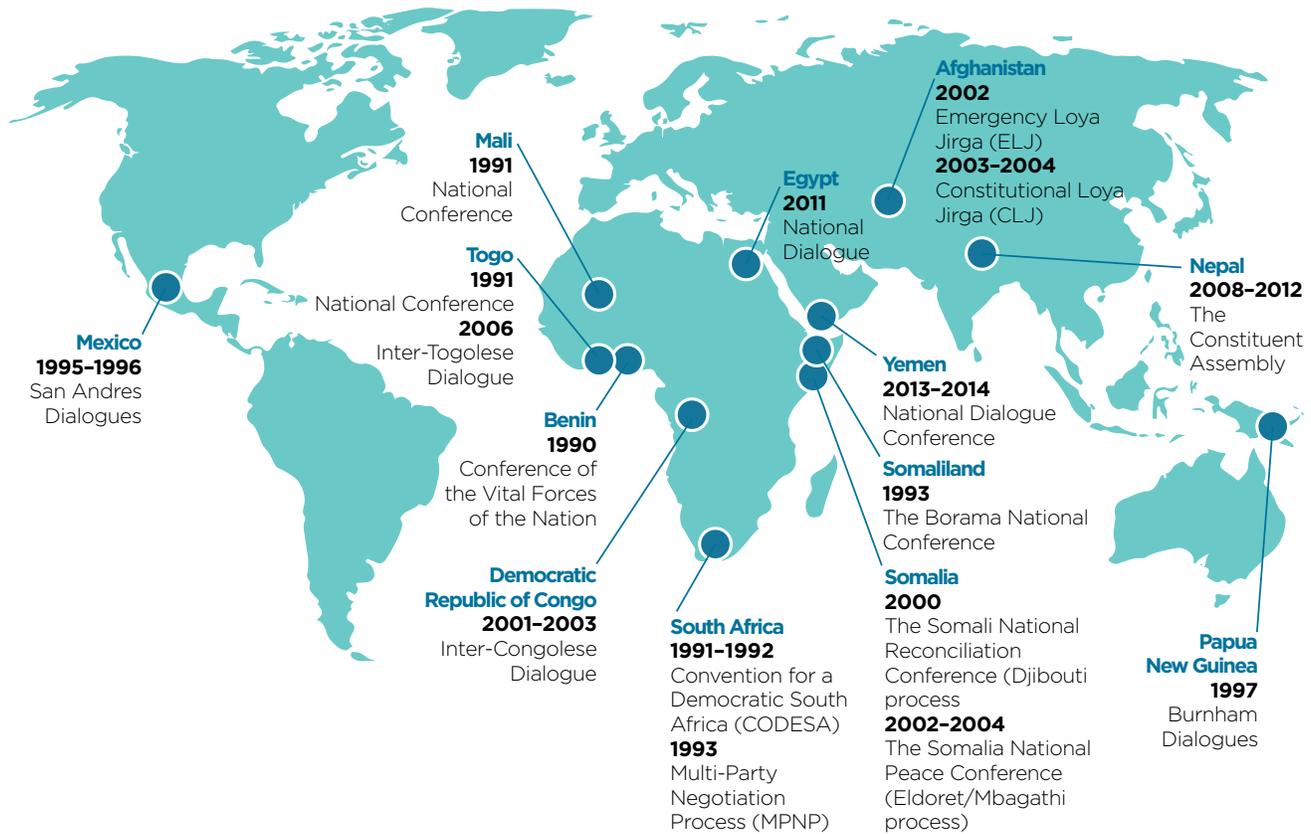
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## | Acronyms

ANC	African National Congress (South Africa)
BRA	Bougainville Resistance Army (Papua New Guinea)
CLJ	Constitutional Loya Jirga (Afghanistan)
CODESA	Convention for a Democratic South Africa
CTSP	Comité de transition pour le Salut du peuple (Committee for the Well-Being of the People [Mali])
GCC	Gulf Cooperation Council (Yemen)
DFID	Department for International Development of the United Kingdom
DPA	Department of Political Affairs (United Nations)
DRC	Democratic Republic of the Congo
ELJ	Emergency Loya Jirga (Afghanistan)
EU	European Union
EZLN	Ejército Zapatista de Liberación Nacional (Zapatista National Liberation Army [Mexico])
IGAD	Intergovernmental Authority on Development
MLC	Mouvement pour la Liberation du Congo (Movement for the Liberation of the Congo [DRC])
MPNP	Multi-Party Negotiation Process (South Africa)
NGO	Non-Governmental Organization
RCD	Rassemblement Congolais pour la Démocratie (Congolese Rally for Democracy [DRC])
RCD-Goma	Rassemblement Congolais pour la Démocratie-Goma (Congolese Rally for Democracy-Goma [DRC])
SCAF	Supreme Council of the Armed Forces (Egypt)
SNM	Somali National Movement (Somalia/Somaliland)
SRRC	Somali Reconciliation and Restoration Council (Somalia)
UN	United Nations
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women now UN Women



## | Executive Summary and Key Findings

National Dialogues, which have served as a means to ease political transitions in diverse contexts—ranging from Benin and Yemen to Afghanistan and South Africa—are hardly a new phenomenon. Yet, the international mediation and peacebuilding community is still struggling to fully comprehend the functioning, relevance, and effectiveness of these important forums for managing political transitions and building sustainable peace.

The objective of this report is to contribute to a better understanding of the common features and characteristics of National Dialogues. It further explores the various political and procedural factors as well as conditions that have enabled or constrained such initiatives to reach agreements and sustain their implementation in the long term.

Based on a comparative analysis of 17 cases of National Dialogues held between 1990 and 2014, this study is an output of the National Dialogue research project (2015–2017) of the Inclusive Peace & Transition Initiative (IPTI) at the Graduate Institute of International and Development Studies in Geneva.

### Key Findings

- National Dialogues have been used as an instrument to resolve political crises and pave the way for political transitions and sustainable peace.
- While most National Dialogues reached an agreement, only half of these agreements were implemented.
- When National Dialogues resulted in sustainable transitions, there was generally a favorable consensus among elites, in addition to international support and public buy-in.
- National Dialogues have often been used by national elites as a tool to gain or reclaim political legitimacy, which has limited their potential for transformative change.
- Procedures for preparing, conducting, and implementing National Dialogues, in particular selection and decision-making rules, play a decisive role in whether processes are perceived as representative and legitimate.
- In the short term, and most notably in cases of mass protests, National Dialogues have been able to reduce violence by transferring grievances from the streets into formalized processes. In cases with ongoing violence, National Dialogue outcomes were sometimes constrained, but no clear pattern was found in the analysis.

## What are National Dialogues?

National Dialogues provide an inclusive, broad, and participatory official negotiation framework, which can resolve political crises and lead countries into political transitions. With mandates that include political reforms, constitution-making, and peacebuilding, National Dialogues are convened to address issues of national concern, typically longstanding causes of conflict that have been brought to the fore by political protest or armed insurrection.

Usually relying on a mix of plenary sessions and working groups, National Dialogues have clear structures as well as defined rules and procedures for dialogue and decision-making. They may last from several days to several years, and their size and composition can vary considerably, from a hundred participants to several thousand. National Dialogues are typically accompanied by broader societal consultations designed to communicate the results of negotiations and channel people's demands into the process. These may take the form of consultations, commissions, high-level problem-solving workshops, and/or referendums. This largescale inclusion of society within a National Dialogue helps generate ownership of its outcomes and enhance the sustainability of implementation.

## Who is Included in National Dialogues?

National Dialogues typically involve key national elites, including the government and the largest (armed or unarmed) opposition parties, and occasionally the military. Other groups who participate include those representing wider constituencies such as civil society, women, youth, business, and religious or traditional actors. The wider population is often indirectly included through broader consultation processes. National Dialogues are inclusive throughout the entire negotiation process, meaning that participants are involved in discussions in all phases. Usually it also means that the decision-making procedures give, at least on paper, a voice and a vote to all included actors. Nevertheless, the equal participation of these wider constituencies, particularly women, has almost always been challenged by dominant elites.

## In Which Contexts do National Dialogues Take Place?

National Dialogues are typically convened at times when the fundamental nature or survival of a government is in question. Thus, they are usually intended as a means of redefining the relationship between the state, political actors, and society through the negotiation of a new social contract. In such historical moments, pro-change and anti-change forces emerge.

The government—generally anti-change—often initiates National Dialogues with the aim of regaining legitimacy by controlling the negotiating process and outcomes. Pro-change forces on the other hand, envisage National Dialogues as an opportunity for redefining the future of the state. For these reasons, both pro-change and anti-change actors have often been able to agree on National Dialogues as a negotiation format. The decision to initiate National Dialogues is also often significantly influenced by bottom-up pressures for change, typically in the form of protests and revolts, while international and regional actors rarely initiate them.

## What Makes or Breaks National Dialogues?

The research revealed that while most of the National Dialogues studied reached agreements, half of the cases failed to implement those agreements or only implemented them to a limited degree. A set of factors related to the political context and to the process were found to be particularly important in enabling or constraining the outcomes of National Dialogues.

**Six political context factors** play a decisive role in influencing the outcomes of National Dialogues:

**1. National elites' resistance or support.** The attitude and behavior of national elites—understood as groups in society who have a disproportionate amount of political, social, and economic power compared to the rest of the society—was found to be the single most important factor influencing the chances of National Dialogues to reach and implement agreements. Elites can be for or against governance reforms. However, even actors and groups advocating for “change” are not necessarily in favor of democratic reform, as they may co-opt the process for their own partisan interests.

Elites' support for or resistance to a National Dialogue can manifest during different phases, including the preparation, negotiation, and implementation stages. Although the gains of National Dialogues have, at times, been reversed by elites after the agreement was signed, the implementation phase tends to be neglected by international actors.

**2. Public support or frustration.** Public buy-in is crucial to ensure progress in the negotiation and implementation of agreements. Yet, support for the process can decline over time if people become frustrated with delays, diminishing legitimacy, or a lack of progress.

**3. Support or resistance of regional and international actors.** Various external actors are often involved in National Dialogues, either directly or by proxy. These can include neighboring countries, international

support groups, or regional and international organizations. Because regional actors usually have more acute interests at stake, their influence has proved more decisive for National Dialogues' outcomes. They may also benefit from pre-existing relationships with the main parties to the conflict.

**4. Existing culture of dialogue.** National Dialogues have benefitted, both in the pre-negotiation and the negotiation phases, from existing dialogue expertise in a country, such as experiences with local-level mediation. Experienced local facilitators have worked inside or outside of National Dialogues to bring parties together to a position of consensus.

**5. Experiences from prior negotiations.** Capitalizing on the lessons learned from previous negotiations in order to avoid repeating past mistakes has helped to prevent deadlock in National Dialogues.

**6. Violence.** Violence can have a constraining effect on National Dialogues' ability to reach and implement agreements, but the analysis did not find a clear pattern between levels of violence and outcomes of National Dialogues.

Parallel to context factors, the design of a National Dialogue shapes the level of representativeness and the distribution of power within the process, suggesting that design or process factors influence the likelihood of reaching sustainable agreements. **Six process factors** were particularly influential on the outcomes of National Dialogues:

**1. Representation, number, and selection of actors.** Selection criteria and procedures can support or hinder the broad representation of different social and political groups and therefore, the legitimacy of a negotiation process. In some cases, selection procedures were co-opted by elites, who selected the participants most loyal to them to participate in a National Dialogue.

**2. Decision-making procedures.** Procedures for decision-making determine, at least on paper, which actors have decision-making power in the National Dialogue and how decisions are validated throughout negotiations. These decision-making procedures are crucial to reaching legitimate outcomes. Most often, final decisions are taken by consensus. However, decision-making practices can diverge from formal procedures, most commonly when elites take decisions outside the plenary, excluding other participants as a result.

**3. Choice of mediators and facilitators.** National Dialogues are almost always facilitated by a neutral party to the negotiations. Facilitators are typically people with a high degree of political legitimacy within the country or internationally. They have usually played an important role in launching the process and reducing tensions during negotiations. The capacity of facilitators or mediators can significantly shape the process of National Dialogues, particularly with respect to how they deal with elites. Facilitators have persuaded elites to keep negotiating in moments of deadlock or designed a process that reflects the composition and traditions of a society.

**4. Duration.** The duration of National Dialogues neither enables nor constrains them to reach agreements, but assessments indicate that implementation of an agreement was more likely in cases with shorter National Dialogues (up to 250 days, i.e. less than a year).

**5. Support structures for involved actors.** Support structures established by international, regional, or non-governmental organizations aimed to strengthen the role and influence of certain participants in a National Dialogue. Support structures can assist participants to build coalitions, allowing them time to agree on common positions. They also provide assistance with the technical requirements of participating in a National Dialogue, such as understanding legal language, preparing, and publishing material, and conducting research. This enables groups to better advocate for their respective interests, which has translated into the inclusion of specific provisions in the final agreement.

**6. Coalition building among included actors.** Coalition building was found to be a powerful strategy for actors to make their voices heard in National Dialogues. Actors and groups involved in a National Dialogue sometimes came together to negotiate as a unified cluster out of concern for a specific issue or strategic interest. This occurred, for example, among women of different delegations or between non-armed and armed groups.

## | 1. Introduction

From Togo (2006) to Yemen (2013–2014), National Dialogues are increasingly regarded as a promising avenue for managing political crises and transitions by organizing broad-based and inclusive negotiations on a national scale. Given the varying definitions of what constitutes a National Dialogue, a common understanding of the process has yet to emerge. Despite the increasing popularity of National Dialogues among international and national actors, comparative evidence regarding the factors that enable—or constrain—sustainable agreements remains scarce. Many analysts in peace and conflict studies have relied on a few case studies to analyze National Dialogues and to theorize on the strategies for mediation and inclusion.<sup>1</sup>

For the purposes of this report, a National Dialogue is defined as an inclusive, multi-party negotiation with the objective of managing political transitions in times of crisis and state fragility. In addition to the main conflict parties, this involves the representation of large segments of society, potentially including political parties, civil society, women, youth and business as well as religious, and/or traditional actors. National Dialogues are formally mandated forums with a clear structure establishing rules and procedures for dialogue and decision-making.

This report aims to advance the emerging debate on National Dialogues by providing a comparative, mainly qualitative, analysis based on 17 processes in 12 countries in pursuit of two primary goals:

1. Expanding and substantiating existing knowledge by analyzing the role of National Dialogues in political transitions to assess their common characteristics based on one of the largest qualitative datasets on the phenomenon.
2. Analyzing the factors that have enabled or constrained National Dialogues to reach agreements and to achieve sustainable outcomes after an agreement is concluded and implemented.

This report is an output of the research project on National Dialogues (2015–2017) conducted by the Inclusive Peace & Transition Initiative (IPTI) at the

<sup>1</sup> Odendaal, Andries. *The Role of Political Dialogue in Peacebuilding and Statebuilding: An Interpretation of Current Experience*. International Dialogue on Peacebuilding and Statebuilding, 2011; Papagianni, Katja. *National Dialogue Processes in Political Transitions*. Geneva: Center for Humanitarian Dialogue, 2013; Ropers, Nobert. *From Resolution to Transformation: The Role of Dialogue Projects*. Berghof Research Centre for Constructive Conflict Management, 2004.

Graduate Institute of International and Development Studies in Geneva. The project builds on background case studies written in the framework of the “Broadening Participation in Political Negotiations and Implementation” project (BP project, 2011–2017). Initiated by the Graduate Institute under the leadership of Dr. Thania Paffenholz, the BP project investigated the impact of broad participation in 40 cases of peace negotiations and major political reforms.<sup>2</sup> The present report has been enriched by primary and secondary data collection and was the subject of intense discussions during an expert workshop in Geneva held on 17 May 2016 as well as an internal and external review process. The second part of this introduction discusses the concept of National Dialogues by examining historical precedents from different regions (1.1), before turning to the methodology (1.2). The main body of the report presents the comparative empirical analysis of the 17 case studies.

Chapter 2 analyzes the political conditions and context in which National Dialogues occur and the rationales for their initiation. The chapter finds that National Dialogues have tended to be convened in times of governance relationship breakdowns in a society, meaning a severe crisis or a disconnect between the state and its society (i.e. citizens). The reason for this is that National Dialogues, as opposed to other processes, embrace an inclusive and all-encompassing approach. Their broad representative nature offers a legitimacy capable of addressing deep crises. Actors pushing for National Dialogues can include government representatives, parties to a formal negotiation process, facilitators, and the people themselves.

Chapter 3 presents the main characteristics of National Dialogues. The Dialogues can vary in their mandates, duration, overall set-up, and procedures as well as the actors involved. However, across the 17 cases, the research found that National Dialogues were primarily mandated as peace-making, constitution-making, and political reform processes. They ranged in size from 100 to 3,000 participants, whose selection was based largely on socio-demographic features, organizational membership, election, and application. The Dialogues lasted from less than one month to over two years. With a few exceptions, the dominant decision-making procedure was by consensus in plenary meetings.

Chapter 4 analyzes identified patterns relating to the political context of National Dialogues, including factors that enable or constrain reaching and implementing an agreement. National elites were identified as the main determining factor, given their influence during both the negotiations and the implementation phase. Other key factors were the importance of public buy-in and support from regional and international actors. Across the cases, the research also identifies procedural factors of the Dialogues aimed

<sup>2</sup> For more information about the background case studies see [www.inclusivepeace.org](http://www.inclusivepeace.org).

at promoting more inclusive processes. Overall, it found that technical procedures did not necessarily lead to more (or less) inclusive National Dialogues, which was more strongly linked with whether the power-holders supported or resisted the inclusion of diverse actors.

Chapter 5 concludes the report and reiterates its main findings.

## 1.1. National Dialogues and Similar Negotiation Processes in History: Brief Overview

While recent instances of National Dialogues, such as in Yemen (2013–2014), have clearly caught the attention of the international mediation and peace-building community, the phenomenon itself is not new. National Dialogues have been held throughout modern history and across the world under different names and in various contexts. For example, the American constitution-making process of 1787 was arguably a form of National Dialogue as it included representatives of all states in a negotiation on the future direction of the nation.<sup>3</sup>

Inclusive multi-party negotiations on a national scale, which rearrange the country's political constitution, were frequent during the period of decolonization. For example, establishing representative constituent assemblies—which brought together experts, politicians, and key civil society groups to discuss and develop plans for the political future on a consensual basis—was common in newly independent states of the Global South.<sup>4</sup>

In some instances, political reforms, transition processes, and the drafting of new constitutions in Southern Europe (e.g. Portugal, Spain) and South East Asia (e.g. South Korea, the Philippines) in the 1970s and 1980s were also facilitated by processes similar to National Dialogues. In the 1986 Philippine constitution-making process, the new president appointed delegates to guarantee a broad representation of political views and social interests. The delegates included leftists, nationalists, former Supreme Court Justices, representatives of the Catholic Church of the Philippines, and five seats reserved to supporters of the former authoritarian regime of President Ferdinand Marcos (1965–1986). Moreover, the Commission held country-wide consultations to include the public. A referendum in 1987 in which 89 percent of the electorate voted, led 77 percent of voters to ratify the new constitution.<sup>5</sup>

<sup>3</sup> Balde, Sory. *La Convergence des Modèles Constitutionnels: Etudes de Cas en Afrique Subsaharienne*. Paris: Publibook, 2011; Arendt, Hannah. *On Revolution*. London: Faber and Faber, 1963.

<sup>4</sup> Santiso, Carlos and Michael Lund. "National Conferences." In *Democracy and Deep-Rooted Conflict: Options for Negotiators*, edited by Peter Harries and Ben Reilly. Stockholm: IDEA, 1998: 252-72.

<sup>5</sup> Croissant, Aurel. "Ways of Constitution-making in Southeast Asia: Actors, Interests, Dynamics." *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 36, no. 1 (2014): 23-50.

Toward the end of the 1980s, National Dialogues facilitated political reforms in the socialist republics of Central Europe. Often under the name of round-table negotiations, the Dialogues initiated peaceful political and economic transitions.<sup>6</sup> The first of these round table negotiations were set up in Poland (1988–1989) between the Communist Party and the opposition, which mainly comprised trade unions and the Catholic Church. This set a precedent for many other Central European countries, which subsequently initiated processes of democratization where political and societal actors played an important role.<sup>7</sup>

In the early 1990s, National Dialogues were popular in several African nations. Inclusive constitution-making negotiations often took the name of so-called national conferences with the mandate to facilitate peaceful and sustainable political reform. For example, the 1990 National Conference in Benin, sought to ease the pressure generated by a deep economic crisis and a parallel erosion of political legitimacy. In the following months and years, Gabon organized its own conference (1990), followed by Republic of Congo-Brazzaville (1991), Togo (1991), Mali (1991), Niger (1991), Zaire—leading to the Democratic Republic of the Congo—(1991–1992), and Chad (1993).<sup>8</sup>

In the mid-1990s, political reforms coupled with constitution-making and peacemaking processes took place in South-East Asia and Latin America. Striving to be inclusive, many shared features typical of today's National Dialogues. For instance in Thailand, the new Constitutional Drafting Assembly (1996–1997) was comprised of both provincial representatives and legal and academic experts. The process excluded political parties because of skepticism regarding the existing parliamentary system. In addition, individual politicians were not invited given that the drafters assumed that the participating groups already represented a broad range of political opinions and societal interests.<sup>9</sup> In Latin America, a form of National Dialogue held between 1995 and 1996 facilitated the peace process in Chiapas (Mexico). This brought in a broad range of societal actors, such as intellectuals, activists, representatives of social, cultural, and indigenous organizations, members of the newly formed Rebel Zapatista Autonomous Municipalities, and indigenous women.

<sup>6</sup> Jankauskas, Algimantas and Liutauras Gudžinskas. "Reconceptualizing Transitology: Lessons from Post-communism." In *Lithuanian Annual Strategic Review*, edited by Raimundas Lopata et al. Lithuania: Military Academy of Lithuania, 2008: 181–99; Carothers, Thomas. "The End of the Transition Paradigm." *Journal of Democracy* 13, no. 1 (2002): 5–21; O'Donnell, Guillermo and Philippe C. Schmitter. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. London: John Hopkins University Press, 1986.

<sup>7</sup> Colomer, Josep and Margot Pascual. "The Polish Games of Transition." *Communist and Post-Communist Studies* 27, no. 3 (1994): 275–94.

<sup>8</sup> Balde. *La Convergence des Modèles Constitutionnels*.

<sup>9</sup> Croissant. "Ways of Constitution-making," 23–50.

In the last 15 years, National Dialogues have continued to facilitate peacemaking processes, political reforms, and/or constitution-making processes across the globe from Somalia (2000, 2002–2004), Afghanistan (2002, 2003–2004), and Nepal (2008–2012)<sup>10</sup> to Egypt (2011), Yemen (2013–2014), and Tunisia (2013–2014)<sup>11</sup>. Every six months since October 2016, Myanmar has scheduled process similar to National Dialogues under the name “Union Peace Conference—21st Century Panglong.”<sup>12</sup> In Sudan (2015–2016)<sup>13</sup> and Burundi (2015–2016),<sup>14</sup> processes labelled National Dialogues have been set up, although they do exclude important opposition parties.

In sum, this short historical overview shows that National Dialogues of various types and under differing labels have been used to manage political transitions in different continents throughout the last 200 years.

A number of sub-fields within Political Science and International Relations have generated scholarship relevant to National Dialogues, such as in the study of multi-stakeholder negotiations<sup>15</sup> and social

<sup>10</sup> The case of Nepal refers to the first Constituent Assembly (from 2008–2012), which failed to draft and adopt a new constitution. However, the Assembly did facilitate important discussions on fundamental issues such as democratization and federalism, which the second Constituent Assembly (2013–2015) built on. In September 2015, the second Constituent Assembly adopted a new constitution. The case of the second Assembly is not included as a case in this report, since the research was designed before the Assembly concluded. Karki, Budhi and Rohan Edrisinha. *Participatory Constitution Making in Nepal: Issues of Process and Substance*. Kathmandu: United Nations Development Programme (UNDP) and Support to Participatory Constitution Building in Nepal (SPCBN), 2014: 96.

<sup>11</sup> Haugbølle, Rikke Hostrup et al. “Tunisia.” edited by Vanessa Prinz and Damjan Denkovski. Berlin: Berghof Foundation, 2017: 300–5.

<sup>12</sup> Crisis Group Asia. “Myanmar’s Peace Process: Getting to a Political Dialogue.” *International Crisis Group: Reports and Briefings*. 16 October 2016. <https://d2071andvip0wj.cloudfront.net/b149-myanmar-s-peace-process-getting-to-a-political-dialogue.pdf> (accessed 20 September 2017).

<sup>13</sup> Sudan Tribune. “Sudan’s Dialogue Conference Approves the National Document.” *Sudan Tribune: News*. 10 October 2016. <http://www.sudantribune.com/spip.php?article60479> (accessed 21 September 2017).

<sup>14</sup> United Nations Security Council. “Report of the Secretary-General on Burundi.” S/2017/165, 2017. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/044/62/pdf/N1704462.pdf?OpenElement> (accessed 20 September 2017).

<sup>15</sup> See for example: Bisht, Medha. “Advocacy Groups and Multi-Stakeholder Negotiations: Redefining Frameworks of Diplomatic Practice.” *International Studies* 45, no. 2 (2008): 133–53; Nilsson, Desirée. “Anchoring the Peace: Civil Society Actors in Peace Accords and Durable Peace.” *International Interactions* 38, no. 2 (2012): 243–66; O’Donnell and Schmitter. Transitions from Authoritarian Rule; Paffenholz, Thania. “Civil Society and Peace Negotiations: Beyond the Inclusion-Exclusion Dichotomy.” *Negotiation Journal* 30, no. 1 (2014): 69–91; Lanz, David. “Who Gets a Seat at the Table? A Framework for Understanding the Dynamics of Inclusion and Exclusion in Peace Negotiations.” *International Negotiation* 16, no. 2 (2011): 275–95; Hemmer, Bruce et al. “Putting the ‘Up’ in Bottom-up Peacebuilding: Broadening the Concept of Peace Negotiations.” *International Negotiation* 11, no. 1 (2006): 129–62; Bell, Christine and Catherine O’Rourke. “The People’s Peace? Peace Agreements, Civil Society, and Participatory Democracy.” *International Political Science Review* 28, no. 3 (2007): 293–324; Wanis-St. John, Anthony and Darren Kew. “Civil Society and Peace Negotiations: Confronting Exclusion.” *International Negotiation* 13, no. 1 (2008): 11–36; Barnes, Catherine. *Democratizing Peace-making Processes: Strategies and Dilemmas for Public Participation*. Conciliation Resources, 2002; Barnes, Catherine. “Weaving the Web: Civil Society Roles in Working with Conflict and Building Peace.” In *People Building Peace II: Successful Stories of Civil Society*, edited by Poul van Tongeren et al. Colorado: Lynne Rienner Publishers, 2005: 7–24; Saunders, Harold H. “The Peace Process: A Conceptual Framework.” In *A Public Peace Process: Sustained Dialogue to Transform Racial and Ethnic Conflicts*, edited by Harold H. Saunders. Palgrave Macmillan US, 1999: 19–29; Nilsson, Desirée and Mimmi Söderberg Kovacs. “Revisiting an Elusive Concept: A Review of the Debate on Spoilers in Peace Processes.” *International Studies Review* 13, no. 4 (2011): 606–26; Chataway, Cynthia. “Track II Diplomacy: From a Track I Perspective.” *International Negotiation* 14, no. 3 (1998): 269–87; McClintock, Elisabeth and Térrence Nahimana. “Managing the Tension between Inclusionary and Exclusionary Processes: Building Peace in Burundi.” *International Negotiation* 13, no. 1 (2008): 73–91; Kelman, Peter. “The Future as a Reflection of the Past: United States Unilateralism in the Asia Pacific.” *Arena Journal*, no. 7 (1996): 11–14; Çuhadar, Esra. “Track Two Diplomacy from a Track One Perspective: Comparing the Perceptions of Turkish and American Diplomats.” *International Negotiation* 12, no. 1 (2006): 57–82.

contracts<sup>16</sup> as well as the field of political transitions or “transitology.”<sup>17</sup> However, the academic literature has yet to explicitly approach the phenomenon of National Dialogues, meaning it is generally an under-theorized field. The practical and policy-focused dimensions of particular National Dialogues or observations stemming from only a few relevant cases often dominate existing literature.<sup>18</sup>

## 1.2. Methodology

This report presents overall patterns concerning how National Dialogues have evolved from their initiation to implementation. Patterns identified are based on an inductive, in-depth, qualitative data analysis, rather than large n-statistical assessments. For this, a process tracing approach was first applied to each of the 17 cases. We have delineated the process surrounding each National Dialogue in order to see how they began and evolved, who took part, and with what effects. In each case, we also sought to determine where the National Dialogue was situated in relation to other major events of the overall political transition.

Thereafter, patterns were identified across the cases. These particularly focused on a number of inductively identified factors that played an important role in affecting the outcomes of National Dialogues, notably the attainment and implementation of agreements.

### *Case Selection*

We used a purposive sampling strategy designed to capture geographical distribution, varying mandates, and unique instances of inclusion for identifying the 17 cases of this report. Negotiation processes that did not meet our definition were not included, even if they bore the label “National Dialogue.” Such cases were excluded if, for example, crucial actors were not invited (e.g. the Grand National Dialogue in Guatemala 1989); the Dialogue

<sup>16</sup> See for example: United Nations Development Programme & Norwegian Peacebuilding Resource Centre. *Engaged Societies, Responsive States: the Social Contract in Situations of Conflict and Fragility*. New York: United Nations Development Programme, 2016; Ropers. Resolution to Transformation; United Nations Development Programme. “Publications: Democratic Governance and Peacebuilding.” *Crisis Prevention and Recovery: Governance for Peace: Securing the social contract*. 10 January 2012. [http://www.undp.org/content/dam/undp/library/crisis%20prevention/governance-for-peace\\_2011-12-15\\_web.pdf.pdf](http://www.undp.org/content/dam/undp/library/crisis%20prevention/governance-for-peace_2011-12-15_web.pdf.pdf) (accessed 26 February 2016).

<sup>17</sup> See for example: Linz, Juan José. *Totalitarian and Authoritarian Regimes*. Colorado: Lynne Rienner Publishers, 2000; Linz, Juan José and Alfred Stepan. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-communist Europe*. Baltimore: Johns Hopkins University Press, 1996; O'Donnell, Guillermo. “On the State, Democratization and Some Conceptual Problems: A Latin American View with Glances at Some Postcommunist Countries.” *World Development* 21, no. 8 (1993): 1355–69; Stepan, Alfred. “Tunisia’s Transition and the Twin Tolerations.” *Journal of Democracy* 23, no. 2 (2012): 89–103; Saxonberg, Steven and Jonas Linde. “Beyond the Transitology—Area Studies Debate.” *Problems of Post-Communism* 50, no. 3 (2003): 3–16; Burton, Michael and John Higley. “Elite Settlements.” *American Sociological Review* 52, no. 3 (1987): 295–307.

<sup>18</sup> Santiso and Lund. “National Conferences,” 252–72; Papagianni. National Dialogue; Papagianni, Katja. “National Conferences in Transitional Periods: The Case of Iraq.” *International Peacekeeping* 13, no. 3 (2006): 316–33.

did not have a formal mandate (e.g. the Constitutional Platform in Turkey in 2012); or actors other than the main conflicting or political parties were only included on a short-term basis (e.g. Aceh 1999–2003), in a very limited manner (e.g. Tajikistan 1994–1997), or not at all (Kenya 2008; Lebanon 2008–2014).

Only two borderline cases were included; the political reform processes in Nepal (2008–2012) and South Africa (1991–1992 and 1993). In both, the negotiations only involved governments and political parties. However, the quota of women in South Africa and women and minorities in Nepal nonetheless made these processes inclusive. As such, they offer valuable lessons.

*Figure 1. List of National Dialogues Studied*

Country	Year(s)	Name of National Dialogue
Afghanistan	2002	Emergency Loya Jirga (ELJ)
	2003–2004	Constitutional Loya Jirga (CLJ)
Benin	1990	Conference of the Vital Forces of the Nation
Democratic Republic of Congo	2001–2003	Inter-Congolese Dialogue
Egypt	2011	National Dialogue
Mali	1991	National Conference
Mexico	1995–1996	San Andres Dialogues
Nepal	2008–2012	The Constituent Assembly
Papua New Guinea	1997	Burnham Dialogues
Somalia	2000	The Somali National Reconciliation Conference (Djibouti process)
	2002–2004	The Somalia National Peace Conference (Eldoret/Mbagathi process)
Somaliland*	1993	The Borama National Conference
South Africa	1991–1992	Convention for a Democratic South Africa (CODESA)
	1993	Multi-Party Negotiation Process (MPNP)
Togo	1991	National Conference
	2006	Inter-Togolese Dialogue
Yemen	2013–2014	National Dialogue Conference

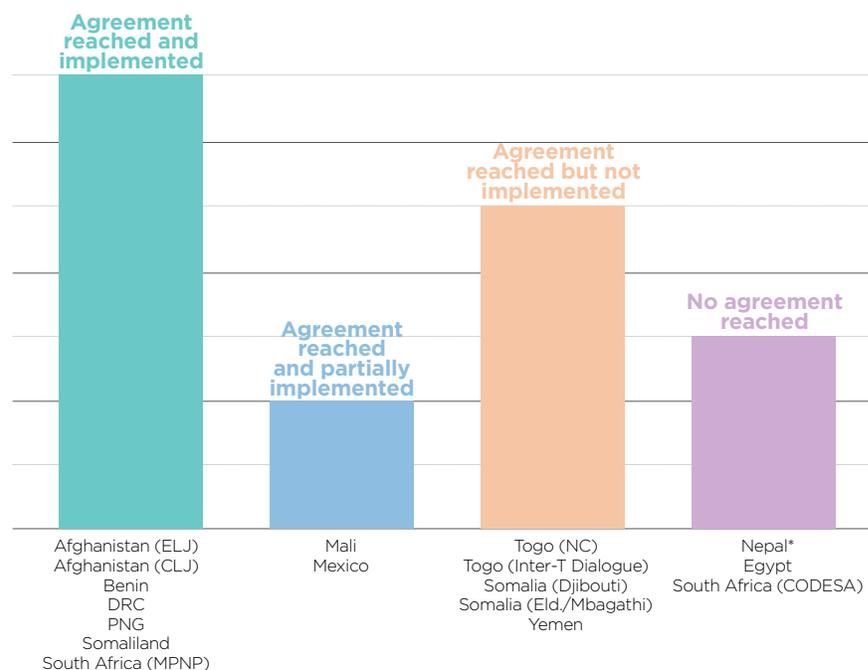
\* Somaliland is not internationally recognized as an independent country but an autonomous republic of Somalia

## Definition of National Dialogue Outcomes

Outcomes of National Dialogues were defined on two levels: first, regarding whether an agreement was reached or not, and second, to what extent the agreement was actually implemented. As a means of measuring implementation, the report mainly used the coding developed by the Kroc Institute's Peace Accord Matrix dataset on peace agreement implementation.<sup>19</sup>

National Dialogues in which no agreement was reached were classified “**no agreement reached**”; Dialogues where no or few provisions were implemented after five years were classified as “**agreement reached, but not implemented**”; Dialogues where some provisions were implemented but major provisions had yet to be addressed were classified as “**agreement reached and partially implemented**”; and finally, National Dialogues where most provisions were implemented were classified as “**agreement reached and implemented**”. Figure 2 gives an overview of the cases sorted according to the levels of reaching and implementing agreements.

Figure 2. National Dialogue Outcomes



\* The case of Nepal refers to the first Constituent Assembly (from 2008-2012), which failed to draft and adopt a new constitution. However, the Assembly did facilitate important discussions on fundamental issues such as democratization and federalism, which the second Constituent Assembly (2013-2015) built. In September 2015, the second Constituent Assembly adopted a new constitution.

<sup>19</sup> While the PAM data set treats all implemented provisions equally, within the BP Project the level of implementation is assessed qualitatively with regards to the level of implementation of core provisions. This led to only a few diversions from the Kroc results.

It was against this background of divergent outcomes that the report considered the conditions enabling or constraining the effectiveness of National Dialogues. It further differentiated between context factors and process factors. Context factors capture the surrounding conditions of National Dialogues, such as power relations or the influence of regional and international actors. Process factors on the other hand are specifically related to the internal structure and/or design of the actual negotiation process, and the way it involved representation, selection, and decision-making.

The report also inductively used in-depth, qualitative analysis of the individual cases and the broader research conducted at IPTI on inclusive peace and transition processes in order to identify common enabling and constraining factors.

## | 2. Contexts in which National Dialogues Evolve

### 2.1. Political Context

Generally, National Dialogues have been convened at times of breakdown, such as a severe crisis or a disconnect in governance between the state and its society. They intend to redefine the relationships between the government, political actors, and society through the negotiation of a new social contract. This process also offers the potential to restore state-society relations and re-establish a government’s legitimacy through broader representativeness. Furthermore, an analysis of the cases that were characterized by violence before the initiation of negotiations shows that, in the short term, starting a National Dialogue reduced the level of violence by channelling grievances voiced in the streets into formalized processes.

As Table 1 shows, the 17 cases analyzed were, broadly speaking, initiated in political environments characterized by either armed conflict or war or after less violent popular uprising. These contexts overlapped in a few cases, including Mexico (San Andres Dialogues), South Africa (Convention for a Democratic South Africa [CODESA] and Multi-Party Negotiation Process [MPNP]), and Yemen (National Dialogue Conference). Some also followed an exclusive elite negotiation to end violence.

*Table 1. Political Context*

<b>Popular uprising</b>	<b>War and armed conflict</b>	<b>Exclusive elite deal prior to National Dialogue</b>
<ul style="list-style-type: none"> <li>• Benin</li> <li>• Egypt</li> <li>• Mali</li> <li>• Mexico</li> <li>• South Africa (both Dialogues)</li> <li>• Togo (both Dialogues)</li> <li>• Yemen</li> </ul>	<ul style="list-style-type: none"> <li>• Afghanistan (both Dialogues)</li> <li>• Democratic Republic of the Congo (DRC)</li> <li>• Mexico</li> <li>• Nepal</li> <li>• Papua New Guinea</li> <li>• Somalia (both Dialogues)</li> <li>• Somaliland</li> <li>• South Africa (both Dialogues)</li> <li>• Yemen</li> </ul>	<ul style="list-style-type: none"> <li>• Afghanistan (both Dialogues)</li> <li>• Mexico</li> <li>• Nepal</li> <li>• Papua New Guinea</li> <li>• Somalia (both Dialogues)</li> <li>• Somaliland</li> <li>• Yemen</li> </ul>

### *Popular Uprising*

In nine cases, mass action occurred prior to the initiation of the Dialogues. In each of these, popular dissatisfaction with the governments-in-power manifested itself in large numbers of people demonstrating and advocating for change usually on the street. In response, governments initiated a National Dialogue. For example, in Togo (National Conference), the broader populace mounted protests and demonstrations demanding a general amnesty for political prisoners, the creation of a multi-party system, and a National Conference, which the government initiated in 1991.

In many cases, the timing of people manifesting their discontent through mass action and the elites' response by initiating a National Dialogue was influenced by international and regional trends. These waves of democratization often fueled the demands of protesters, frequently leading to the creation of National Dialogues. The organization of National Dialogues in Benin (Conference of the Vital Forces of the Nation), Togo (National Conference), and Mali (National Conference) can be understood in the context of the third democratization wave from the start of the 1980s to the mid-1990s. Similarly, the uprisings that began in Tunisia in 2011 constituted a regional push for democratization that helped propel reform processes from Libya to Bahrain. They also enabled the initiation and inclusive set-up of the National Dialogues in Tunisia, Egypt, and Yemen (albeit with varying outcomes).

### *War and Armed Conflict*<sup>20</sup>

In 12 of the cases, National Dialogues were initiated during or after periods of war or armed conflict. In Somaliland, for example, the initiation of the Borama Conference was in response to the war, which had intensified after the territory declared independence from Somalia. In Papua New Guinea (Burnham Dialogues), the National Dialogue was initiated to address causes of the long-term, armed conflict between the government and locals of Bougainville. This amounted to over 25 battle-related deaths per year from the time the conflict broke out in 1988 to the conclusion of a ceasefire agreement in 1997.<sup>21</sup>

In the cases of Mexico, South Africa, and Yemen, National Dialogues sought to respond to political environments characterized by popular uprisings

<sup>20</sup> The definitions of war (more than 1,000 battle related deaths) and armed conflict (25 battle related deaths in a year) used throughout this report are taken from the Uppsala Conflict Data Programme. Department of Peace and Conflict Research: UCDP. "Definitions." n.d. <http://www.pcr.uu.se/research/ucdp/definitions/> (accessed 6 September 2017).

<sup>21</sup> The lowest number of battle related deaths in Papua New Guinea was 26 in 1994 and highest number was 106 in 1996. Uppsala Conflict Data Program. "Papua New Guinea." *Search for actors, conflicts...*, 2016. <http://ucdp.uu.se/#country/910> (accessed 6 September 2017).

as well as the existence of armed conflict. In South Africa, the political violence by the end of the 1980s had reached unprecedented levels and the CODESA I and II (1991 and 1992) were set up to address the causes by initiating a democratic transition. However, the negotiations ended in deadlock and when the African National Congress left the negotiations and called for new strikes and demonstrations, massacres were committed against the African population.<sup>22</sup>

#### *Exclusive Elite Deal Prior to the National Dialogue*

In the cases where National Dialogues were initiated in a political environment of armed conflict or war, all—except for South Africa and the DRC—followed an exclusive elite deal. The time between the negotiated elite agreement and the broad National Dialogue varied across the cases, from immediately after the exclusive agreement e.g. Papua New Guinea and Yemen to a few years later e.g. Somalia (Somali National Reconciliation Conference [Djibouti]).

#### *Agreement-mandated National Dialogues*

Comprehensive peace and ceasefire agreements led to the initiation of National Dialogues in the cases of Afghanistan (Emergency Loya Jirga [ELJ] and Constitutional Loya Jirga [CLJ]), the DRC (Inter-Congolese Dialogue), and Nepal (Constituent Assembly). The provisions mandated inclusive negotiations in the transitioning political system to address causes of conflict. For example, in the DRC, the Lusaka Ceasefire Accord mandated the Dialogue and required the inclusion of the five main signatories: the government, Congolese Rally for Democracy (RCD<sup>23</sup>), Movement for Liberation of the Congo (MLC), unarmed political parties, and civil society.

## 2.2. Who Pushed for National Dialogues and their Rationale

Government representatives, opposition parties but also the broader public, have advocated for the initiation of a National Dialogue, and did so for a variety of reasons.

Most often, National Dialogues were a response to domestic rather than international pressure and usually occurred in the context of political crisis. This was especially true when issues of fundamental national concern arose or the survival of a ruling government was in question.

<sup>22</sup> Barnes, Catherine and Eldred De Klerk. *South Africa's Multi-party Constitutional Negotiation Process*. Conciliation Resources: 2002. [http://www.c-r.org/downloads/Accord%2013\\_5South%20Africa's%20multi-party%20constitutional%20negotiation%20process\\_2002\\_ENG.pdf](http://www.c-r.org/downloads/Accord%2013_5South%20Africa's%20multi-party%20constitutional%20negotiation%20process_2002_ENG.pdf) (accessed 21 September 2017).

<sup>23</sup> The RCD split after the signing of the Lusaka Ceasefire Accord and its seats in the Inter-Congolese Dialogue were reallocated to one of its factions: RDC-Goma.

Interestingly, it is often the government-in-power—generally wedded to the status quo—that initiates National Dialogues. This can be understood as a way of regaining legitimacy in times of crisis. It can also emerge as a strategy for managing the direction and extent of a transition by influencing the National Dialogue’s negotiation process and its outcomes.

Actors challenging a government-in-power often envisage National Dialogues as an opportunity to redefine the future of the state. Those in opposition or outside state structures have initiated such initiatives as a way of changing the government and/or gaining power for themselves. Hence, actors in favor of change were not necessarily interested in democratization processes. For these reasons, both status quo and change actors often have been able to agree on National Dialogues as a negotiation format. Furthermore, in these processes civil society groups have been found both supporting the status quo or seeking change.

In 13 cases, the emergence of a National Dialogue was due to advocacy by different actors (see Figure 3). In four of them, it was the result of an earlier ceasefire or comprehensive peace agreement. Several types of groups often push for a National Dialogue together; hence, in some cases it is difficult to draw a clear distinction.

**Governments and/or transitional governments**, such as in Benin, Mali, and Togo (Inter-Togolese Dialogue), initiated National Dialogues. For instance, when post-election violence and political division resulting from the (re)-election of President Faure Gnassingbé were still widely prevalent in Togo in 2006, the President initiated a National Dialogue. The move was designed to show goodwill and to reunite the country through an inclusive National Dialogue. It was also specifically intended to demonstrate to the European Union (EU) and other regional organizations that, following the previous year’s post-election violence on the continent, efforts to promote democratization were being undertaken.

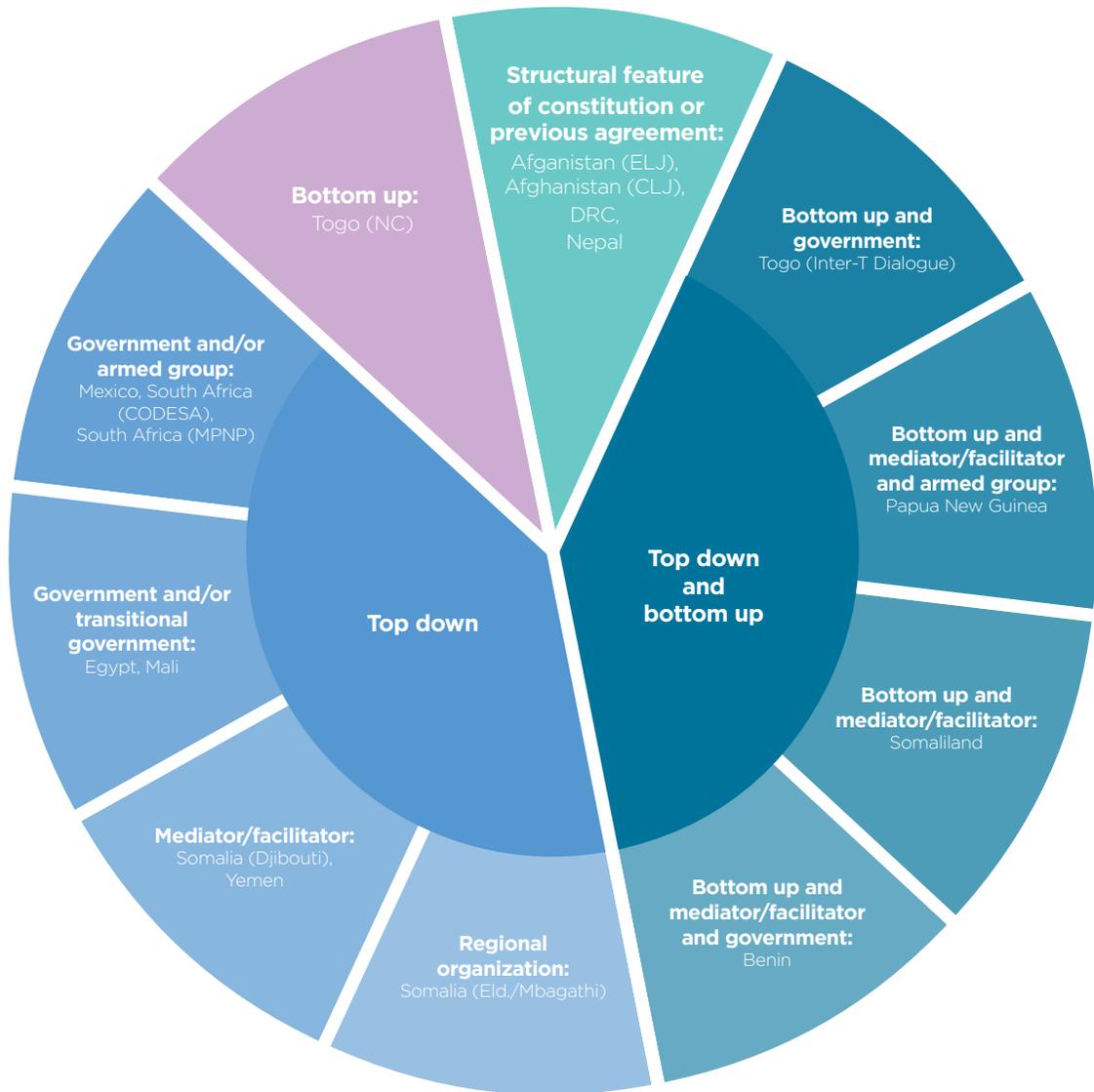
**Government and/or armed groups** in situations where parties to the conflict participating in peace talks initiated National Dialogues to increase the legitimacy of the process. They also sought to put across their own respective demands and interests, whether in support of the status quo or by advocating change. In Mexico, the Ejército Zapatista de Liberación Nacional (EZLN) wanted to avoid yet another round of exclusive negotiations. When talks resumed after the failed Cathedral Dialogue, they initiated a new National Dialogue but also broadened the negotiations by inviting more than 100 representatives of civil society as “advisors” and “guests” in an effort to increase their legitimacy and support for the talks.

**Citizens and social movements** have also pushed for National Dialogues to reach an overall reform agenda, often including changing the regime-in-power. Even though social movements have not been able to formally initiate National Dialogues, they can exert pressure that often directly leads to the emergence of such talks. In Togo (National Conference), the population demanded political change and, despite President Gnassingbé Eyadéma's reluctance, they pushed him to set up a National Dialogue in 1991.

**Mediators or facilitators** have initiated National Dialogues mostly to improve the legitimacy and accountability of the negotiations. It is their assumption that broader inclusion makes the process more sustainable. Mediators and facilitators can be appointed by the United Nations (UN), jointly by parties to the conflict, or by the national government. These can be internal, such as Somaliland's Guurti (council of clan elders), or external as in Papua New Guinea (New Zealand and Australia). In Somaliland at the beginning of the 1990s, the Guurti used their traditional role as conflict mediator to encourage clans to participate in several inclusive negotiations to address the causes of violence. They also mediated the National Dialogue in 1993 (Borama Conference) leading to an agreement enabling the new state to transition from a military government to a civilian regime, thus institutionalizing the political system.

**Regional organizations** can play an important role in pushing for an inclusive National Dialogue. This was the case of Somalia (Somalia National Peace Conference [Eldoret/Mbagathi]), where the Intergovernmental Authority on Development (IGAD) found itself adopting a more active peace mediating role in the region. From an overall mission on functional coordination on food security strategies, environmental protection, and natural resource management, it developed by the mid-1990s to include mechanisms to resolve conflicts through dialogue. Hence, when a Somali peace process was launched after multiple failed attempts, the key actors involved decided to include national as well as regional representatives. This became the first concerted effort by the regional states of Kenya, Ethiopia, and Djibouti to work together under the IGAD to solve the conflict in Somalia.

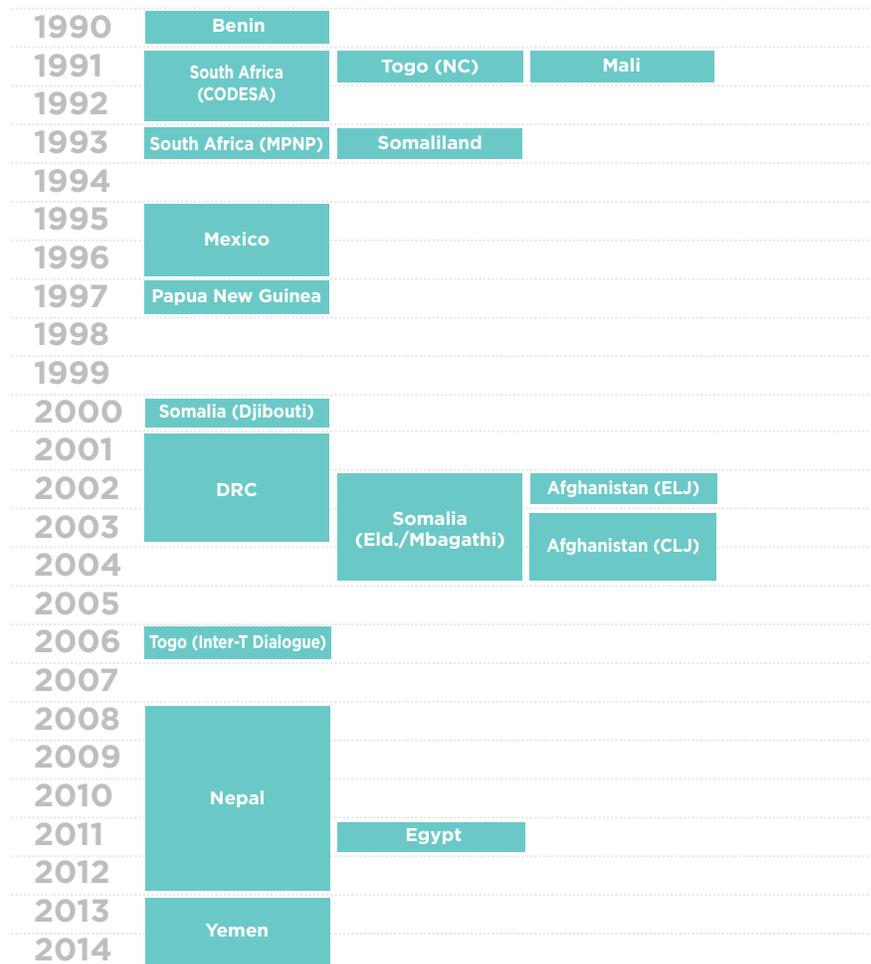
Figure 3. Actors Pushing for the Initiation of National Dialogues



### | 3. Characteristics of National Dialogues

This chapter essentially aims to provide the reader with a solid descriptive understanding of the characteristics of National Dialogues, before turning to an analysis of enabling and constraining factors in Chapter 4. This overview of characteristics is based on an assessment of the 17 cases selected over two decades as represented in the following timeline.

*Figure 4. Timeline of the 17 Cases of National Dialogue*



Based on these cases, the following subchapters discuss the different components of National Dialogues such as mandate (3.1.), size and duration (3.2. and 3.3.), set-up and procedure (3.4.), and actors (3.5). This chapter describes and illustrates each component or parameter of National Dialogues.

### 3.1. Mandate

National Dialogues are organized to help solve social, political, or economic issues of major national concern. Overall, three different mandates were evident among the National Dialogues studied:

- Political reform aiming to improve the current political system and initiate democratization.
- Peacemaking aiming to end violence, prevent further escalation of armed conflict, ease mounting tensions, and foster a culture of dialogue to establish lasting peace.
- Constitution-making aiming to inform the process of drafting or amending a constitution.

Boxes 2, 3, and 4 below further elaborate different aspects of mandates across the 17 case studies.

The authority delegated to participants also varied greatly, from a low degree of authorization, for example when the mandate only required participants to “submit recommendations,” to a high degree of authorization such as when participants were to draft a constitution or when the National Dialogue acted as a transitional authority. In all cases, the authority of the National Dialogue was linked to the mandate.

The mandate of a National Dialogue sometimes evolves with the course of events. In Benin, for example, the National Conference was initially supposed to have an advisory role. It then turned into a sovereign body with the mandate to promote democratization by drafting a new constitution and introducing a multi-party system with presidential elections. President Kérékou ultimately accepted this development. In other cases, a similar attempt at transforming the mandate backfired.

## Box 1. Benin's National Conference: An Exemplary National Dialogue

Initially intended as consultative, Benin's National Conference quickly declared itself sovereign and stripped President Mathieu Kérékou, who had been in office since 1972, of most of his powers. Its official name, "Conférence nationale des forces vives de la nation" (National Conference of Vital Forces of the Nation) emphasized the broad inclusion of civil society (mostly teachers, students and civil servants) as well as its conceptualization as a society-mobilizing event.

On 2 December 1990, Benin held a referendum to legally sanction the new constitution, which was approved—with presidential and multi-party elections held in 1991. In this same year, Kérékou peacefully left office.

Today, Benin is considered one of Africa's most stable democracies. The example of Benin's political transition has served as a precedent for the use of National Dialogues to facilitate political reforms, adopt new constitutions, and democratize throughout the region.

Togo's 1991 National Conference also quickly transitioned into a self-proclaimed sovereign body. In contrast to the experience of Benin, this "upgrade" of the mandate, however, occurred without any democratic legitimacy and eventually undermined the Conference's authority. Ultimately, the Conference failed to force the resignation of President Eyadéma, who quickly regained power.<sup>24</sup>

## Box 2. Political Reform Mandates

- Promote social welfare and development (Mexico)
- Contribute to democratic and/or economic reforms (Benin, Egypt, Yemen)
- Make recommendations to democratize the state (Egypt, Togo [Inter-Togolese Dialogue], Yemen)
- Prepare or plan elections (Benin, the DRC, South Africa [CODESA and MPNP])
- Elect or organize a transitional authority (Afghanistan [ELJ], Benin, the DRC, Somalia [Djibouti], Somaliland, Togo [NC])
- Adopt a charter establishing interim or permanent institutions to promote democratization of the state (the DRC, Mali, Somaliland, South Africa [MPNP])

<sup>24</sup> Ellis, Stephen. "Rumour and Power in Togo." *Journal of the International African Institute* 63, no. 4 (1993):462-76.

### Box 3. Peace-making Mandates

- Contribute to a strategy to reconcile conflict parties (Papua New Guinea)
- Make recommendations for national reconciliation (Yemen)
- Approve provisions advancing indigenous peoples' rights (Mexico)
- Adopt a charter outlining a security framework (e.g. to collect illegal weapons, create a national defense or police force, and/or disarm and rehabilitate members of an armed group into society) (the DRC, Somalia [Djibouti], Somaliland)
- Adopt a charter to reconcile conflict parties and find a political settlement to the conflict (Somalia [Eldoret/Mbagathi])

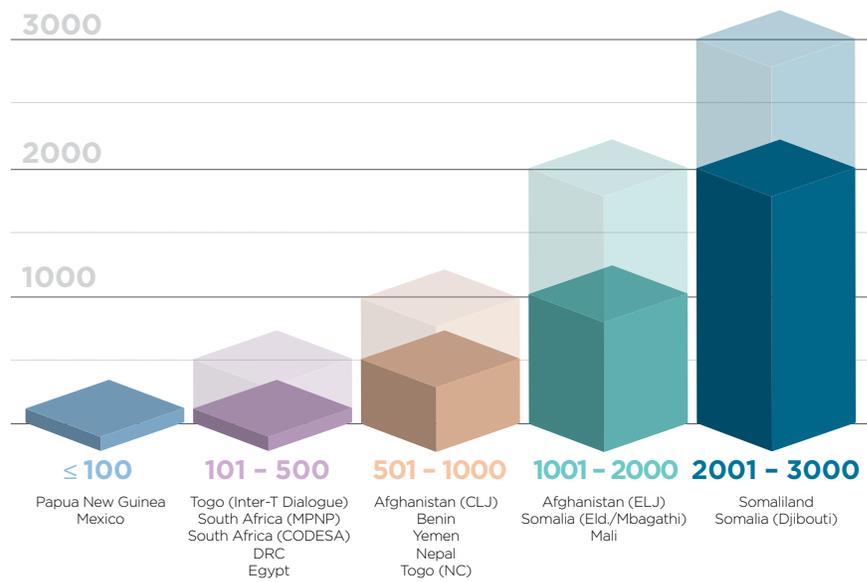
### Box 4. Constitution-making Mandates

- Establish a constitution drafting commission (Benin, Yemen)
- Make recommendations to a constitution or constitutional amendments (Mali, Yemen)
- Contribute to the draft of a new constitution (Benin, the DRC)
- Approve a constitution (Afghanistan [CLJ])
- Draft and approve a new constitution (Nepal)

## 3.2. Size: Number of Participants

National Dialogues differ greatly in size depending on the context. Some assemble fewer than a hundred delegates; others bring together several thousand. In Papua New Guinea and Mexico around 100 participants were included, but numerous National Dialogues drew several hundred or more: the DRC (362), Yemen (565), and Nepal (601). While the Somali Eldoret/Mbagathi process counted a thousand participants at its height, other Dialogues mobilized even more than a thousand: Mali (between 1,000 and 1,500), Afghanistan (ELJ) (1551), Somaliland (over 2,000). Somalia's Djibouti Dialogue saw the largest number of participants with approximately 3,000 delegates. Figure 5 illustrates the number of participants in the 17 case studies.

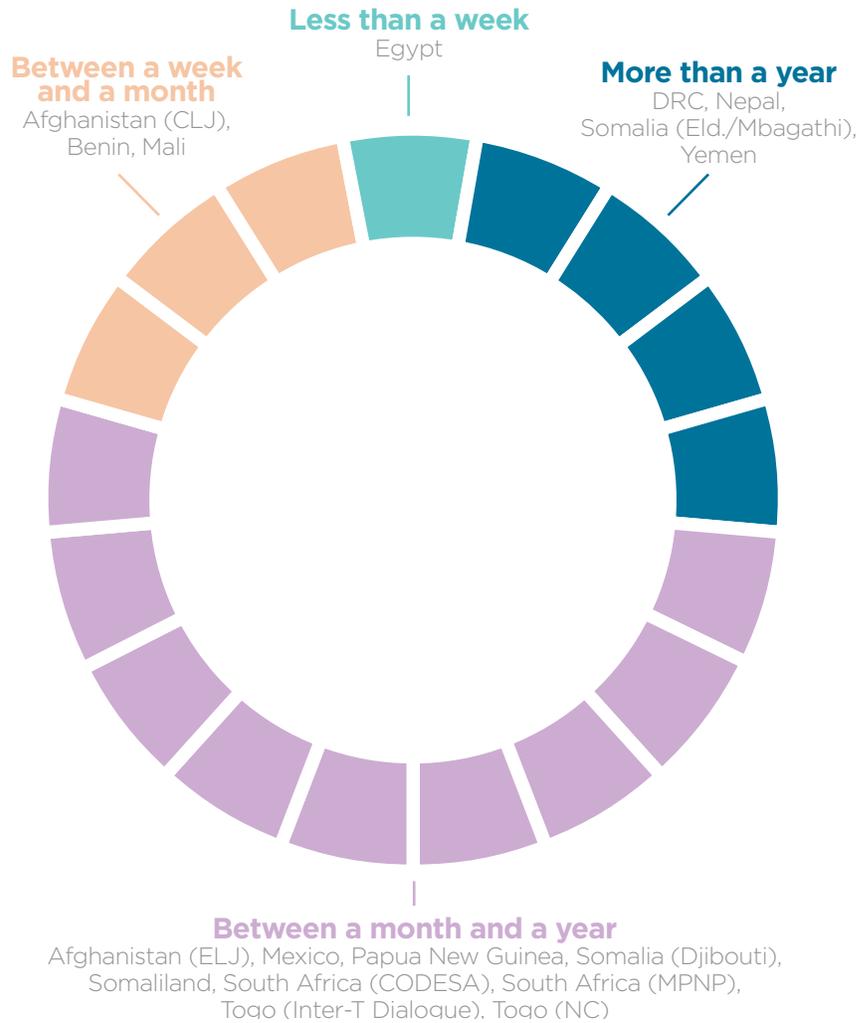
Figure 5. Number of Participants



### 3.3. Duration

In terms of their duration, National Dialogues can last less than a week like in Egypt; between a week and a month as in Afghanistan (CLJ), Benin, Mali; between a month and a year as in Somalia (Djibouti), Somaliland, South Africa (both Dialogues), and Togo (both Dialogues); or even years as in the DRC, Nepal, and Somalia (Eldoret/Mbagathi). The length of a National Dialogue depends on its mandate, the dynamics of the negotiation process, the political context (which may be conducive or obstructive to an effective outcome), and sometimes the available budget. In some cases, such as in Nepal and Yemen, the Dialogues were extended. Figure 6 summarizes the duration of each of the 17 case studies.

Figure 6. Duration



### 3.4. Set-up and Procedure

This subchapter presents the overall set-up of National Dialogues, including the selection procedure and criteria; decision-making procedures; ratification of decisions; role of mediators, facilitators, and conveners; and support structures and funding.

#### 3.4.1. Overall Setup

Based on the cases assessed in this report, National Dialogues are formally mandated forums with a clear structure. In most, the decision-making rules and procedures established emerged from a mix of plenary sessions, working groups, or (preparatory) committees. These helped structure the negotiation process and facilitated the participation of an often large number of actors. Some National Dialogues followed local practices, such

as in Somaliland, where the National Dialogue was organized on the basis of the clan system. There, the clan elders acted as the primary negotiators in the process based on a local conflict resolution method.

This division of labor between plenary and working groups or subcommittees is usually undertaken either following a task-distribution logic (management, proposition drafting, decision making etc.), a thematic logic (demobilization, reintegration, new constitutional provisions, etc.), or a combination of both. In South Africa (CODESA), for example, the National Dialogue relied on a functional structure, which included a secretariat, a management committee, plenary, working groups, a steering committee, and sub-committees. In Nepal and Yemen, the division was based on thematic working groups (11 and nine respectively). Many other Dialogues have worked with a combined functional and thematic logic.

### Box 5. Yemen: A Unique Case of Decision-making

The Yemeni National Dialogue was in theory highly inclusive with significant efforts made to ensure a 50-30-20 representation formula; 50 percent of the participants came from the South, 30 percent were women, and 20 percent youth. Nine working groups conducted the actual Dialogue, which covered the Southern issue; Sa'ada (Yemen's northern region previously plagued by conflict); good governance; state-building; independence of special entities; rights and freedoms; the foundations for building army and security forces; transitional justice; and sustainable development.

The Dialogue's decision-making procedures stood out as unique among the 17 cases analyzed. To pass a provision in the working groups required a minimum consensus of 90 percent of voters. This encouraged coalition-building among the parties as the provision needed at least two of the in total four factions to pass directly to the plenary. Proposals rejected in the first round of voting were sent to the Consensus Committee for modification. The Consensus Committee then voted on the proposals, requiring 75 percent in favor. These proposals were then re-submitted to the working groups for a third vote, where a 75 percent threshold was required to pass. Interestingly, the decision-making procedure on the Southern issue diverged to ensure Southerners would not be out-voted, within the actual working group as well as in the Dialogue as a whole. An "eight plus eight" Committee of eight delegates from North and South each was setup to solve situations of deadlock in the working group on an ad hoc basis.

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However, this innovative deadlock-breaking mechanism also proved a weakness of the Dialogue. Reaching an agreement on the number of regional designations in Yemen proved problematic. When the working group could not reach a 75 percent consensus, the decision was passed to the Presidium. As a solution to the disagreement, the President of the Dialogue initiated a committee, the Regions Identification Committee, to specify the appropriate number. The Committee completed its mandate in just two weeks, delineating six new federal regions without any widespread consultation or investigation, and in violation of the preferences of the Houthis, which led to a major conflict in the Dialogue.<sup>25</sup>

Typically, working groups each had a chair who facilitated the discussions and led the debates, as was the case in Afghanistan (both Dialogues), Benin, Egypt, Somalia (Djibouti), and Somaliland. In Somalia (Djibouti), a committee of eight (shirguddoon) assumed the chair.

Throughout the 17 National Dialogue cases, thematic working groups covered a wide variety of topics ranging from conflict resolution, security, state building, good governance, and democracy, to social and economic development and/or human rights.

Typically, inclusive processes such as commissions, consultations, high-level problem-solving workshops, and referendums were set up either before the National Dialogue, in parallel to it, or as part of the agreement's implementation. Their purpose was primarily to ensure broader social participation, gain legitimacy, communicate results, and channel people's demands into the process. In the cases of Yemen, Somalia (Eldoret/Mbagathi), and Somaliland, the negotiations involved participants with observer status. In Somaliland, local traditions constrained the inclusion of women, but the Guurti, in recognition of the role they had played in the beginning of the 1990s, invited 17 women representing two women's organizations as observers.

<sup>25</sup> Eshaq, Alia N. and Sonja Neuweiler. "Yemen." In *National Dialogue Handbook: A Guide for Practitioners*, edited by Vanessa Prinz and Damjan Denkovski, Berlin: Berghof Foundation 2017: 306-11.

## Box 6. Case Study Examples: Enhancing National Dialogues Through More Inclusive Processes

### **Commissions**

Both in Afghanistan (CLJ) and Somalia (Djibouti), the National Dialogues involved inclusive commissions, while in Mexico and Nepal they occurred in parallel to the Dialogue. Their role was to help reconcile and mediate between the parties to the conflict and enhance negotiations. In Somalia, it was the facilitator and initiator of the National Dialogue who decided to establish them; in Afghanistan and Nepal it was previous agreements which initiated the processes. In Mexico, the government launched the Commission for Peace and Reconciliation to facilitate and support the on-going San Andres Dialogues as well as facilitate their future implementation through constitutional reforms after an agreement.<sup>26</sup>

The implementation phases of various agreements also incorporated such commissions. In Papua New Guinea, Mali, and Somalia (Djibouti), the National Dialogues led to the creation of constitutional, peace, or post-agreement commissions. In Mali, for example, a post-agreement commission and a public decision-making process (referendum) emerged following the National Dialogue.

### **Consultations**

Consultations can provide populations with the opportunity to provide feedback and a means of influencing negotiations. In Mexico, the EZLN leadership was responsible for establishing such consultations. In parallel to the Djibouti Process in Somalia, clan leaders initiated parallel consultations, while in the Eldoret/Mbagathi process, the Somali Non-Governmental Organizations (NGO) Center for Research and Dialogue established them with support from United Nations Development Program (UNDP). In Somaliland, clans held unofficial consultations while in Yemen, it was the UN Special Adviser, Jamal Benomar, who created talks in parallel to the National Dialogue.

### **High Level Problem-solving Workshops**

High-level problem-solving workshops also took place in parallel to the Dialogues in the DRC and Yemen. In the DRC, the workshop notably engaged women from different backgrounds, such as government departments, non-state armed groups, and civil society in an effort to build a women's coalition to increase their influence within the National Dialogue.

<sup>26</sup> The government also initiated the Commission for Peace and Reconciliation in an attempt at a confidence-building measure to re-start the peace process following a military offensive in Chiapas earlier that year, which had attracted widespread condemnation.

### 3.4.2. Selection of Participants: Criteria and Procedures

The selection of delegates encompasses two dimensions: criteria and procedure. Selection criteria define which groups will be included in the National Dialogue, whereas selection procedures refer to how individuals are actually chosen. The selection process is a crucial issue, because it determines the dynamics, legitimacy, and outcomes of the Dialogue.

#### *Selection Criteria*

As a general rule, the selection criteria aim to include all relevant actors as a means of guaranteeing proper representation of both interests and legitimacy of the entire process. Such criteria are commonly based on:

- **Socio-demographic factors:** ethnicity, clan, or other forms of belonging as well as gender, generation (age range), and geographic location (selection by province, district etc.).
- **Organizational membership:** categories of organizations whose members are targeted for inclusion can be political parties, governments, the military, civil society organizations (NGOs, religious organizations, and professional associations such as lawyers or police officers, trade unions, etc.), armed groups, and the business community.
- **Merit and reputation:** the participation of individuals or organizations can be measured on the basis of professional, political, or socio-cultural standing.
- **Strategic or pragmatic considerations:** these can involve decision-makers or individuals in positions of influence, but also potential “spoilers” who otherwise might seek to undermine the negotiation process or implementation of the agreement. This mode of strategic or pragmatic selection is not usually explicitly articulated.
- **A mix of the above:** the aforementioned criteria are mostly applied in combination.

When selection is based on organizational membership or socio-demographic factors, each category of participants, such as political parties or socio-economic groups, can be represented either through fixed or proportional representation. Under fixed representation, each group is represented by the same number of delegates. For example, in the Somali Dialogues, the 4.5 formula gave an equal number of representatives to

each of the four main Somali clans,<sup>27</sup> and half this number to all minority clans taken altogether. Under proportional representation, the bigger group is granted the highest number. In the Somaliland National Dialogue, for example, each clan residing in Somaliland was given proportional representation among the 150 voting delegates.

The term *quota* is usually used when a set number or a proportional share of delegates is attributed to a specific group that would otherwise be under-represented or absent. The Nepalese National Dialogue, for example, adopted a quota for marginalized communities. As outlined in Box 5, in Yemen, geographical, gender, and age quotas were allocated within and across groups. Each delegation had to have 50 percent of their representatives from the South of the country, 30 percent needed to be women, and 20 percent youth. In addition, representatives from the South, women, and youth each had 40 seats in separate delegations. In Benin, the direct participation of numerous societal groups in the restructuring of the country was ensured by quotas.

We did not observe any minimum criteria, such as literacy, in any of the cases analyzed; in fact, illiterate participants took part in National Dialogues in Nepal. However, the Somali National Dialogue featured a minimum criterion for participation in the Guurti, which was restricted to men. Nevertheless, the talks did include 17 women, but only as observers.

### *Selection Procedure*

The procedural rules for selecting representatives can be defined clearly and transparently, or applied in an opaque fashion. This happens when the rules are not publicly communicated (See Subchapter 4.2.1. for an analysis of how selection procedures can enable or constrain effective National Dialogues). Among the 17 cases, the following selection procedures predominated: election, appointment (invitation), nomination, and application. Most National Dialogues combined more than one selection procedure, with different procedures to different participant groups (such as in the Yemeni National Dialogue, where women, youth, and civil society were selected through a separate process from political parties and components) or different bodies, such as in Somalia (Eldoret/Mbagathi).<sup>28</sup>

**Election:** This aims to select people who would ideally represent the full diversity of voters—be it the entire national electorate, a regional or sub-regional electorate, or the members of a particular organization or bearers of office. For example, the 2008 Nepal National Dialogue allocated

<sup>27</sup> The four main clans in Somaliland are the Darod, Hawiye, Dir, and Digil-Mirifle clans.

<sup>28</sup> The selection of members to the different bodies in Somalia (Eldoret/Mbagathi) was according to various selection procedures.

representation based on elections, which took place on 10 April 2008 through a mixed polling system. That day, voters elected the 240 members of the Constituent Assembly from geographical constituencies by simple majority and 335 through proportional representation throughout the country.<sup>29</sup>

**Application:** This form of selection refers to cases in which participants are chosen as individuals by conveners, facilitators, or a technical committee, after reviewing applications by candidates. In Yemen, a Technical Preparatory Committee selected representatives for the independent constituencies (youth, women, and civil society) through a previously agreed application procedure.<sup>30</sup>

**Nomination:** This involves inviting a constituency or group bound by internal political cohesion (e.g. a political party, clan, trade union, administrative region, or NGO) to select its own representatives in a National Dialogue with discretion to establish their own internal selection criteria. For example, in Yemen, the General People's Congress nominated its 112 allotted delegates.

**Appointment:** This involves procedures whereby representatives to a National Dialogue are chosen as individuals without an application or election process. These representatives are usually already prominent and vetted based on a record of previous high profile performance (or chosen on implicit criteria such as closeness to decision-makers). Appointment is often used to staff key positions in technical or preparatory committees or working groups. In Egypt, for example, the ruling Supreme Council of the Armed Forces (SCAF) appointed the chair of the National Dialogue, which in turn appointed the working groups' chairs.

### 3.4.3. Decision-making Procedures

As summarized in Table 2 below, the formal decision-making procedures in the 17 National Dialogues were via working groups, plenary meetings, or decision-making bodies. Informal decision-making procedures were also evident in many of the cases as outlined in the following chapter on enabling and constraining factors.

For example, in the Inter-Congolese Political Negotiations, the plenary had decision-making power by consensus where every participant counted equally, with no veto rights or weighted voting. In Mexico, working groups were the ones to decide by consensus. In Somalia (Eldoret/Mbagathi), it

<sup>29</sup> Additional 26 members of the Constituent Assembly were appointed by the Council of Ministers for their contributions to Nepali society.

<sup>30</sup> For more details on the selection process in the Yemeni National Dialogue, see Subchapter 4.2.1.

was the Leaders' Committee, which had the decision-making power.

In the case of the Papua New Guinea, the decision-making procedure was slightly different. Here, the meetings were almost like retreats, in which participants would have the opportunity to mix with a variety of representatives and discuss with many people, until reaching a consensus. In an environment that seemed informal, parties would manage to find agreement, even if it took much longer than expected.

*Table 2. Formal Decision-making Procedures*

<b>Where did formal decision-making take place?</b>	<b>Cases</b>
Plenary	<ul style="list-style-type: none"> <li>• Afghanistan (both Dialogues)</li> <li>• Benin</li> <li>• DRC</li> <li>• Mali</li> <li>• Nepal</li> <li>• Somalia (Djibouti)</li> <li>• Somaliland</li> <li>• South Africa (both Dialogues)</li> <li>• Yemen</li> </ul>
Working groups	<ul style="list-style-type: none"> <li>• Mexico</li> </ul>
Decision-making committee	<ul style="list-style-type: none"> <li>• Somalia (Eldoret/Mbagathi)</li> <li>• Togo (National Conference)</li> </ul>
Informal body	<ul style="list-style-type: none"> <li>• Papua New Guinea</li> </ul>
No information	<ul style="list-style-type: none"> <li>• Egypt</li> <li>• Togo (Inter-Togolese Dialogue)</li> </ul>

### 3.4.4. Ratification of Decisions

Referendums and elections are used to ratify outcomes and decisions of National Dialogues. These public decision-making mechanisms are perceived as a way to increase the legitimacy of a negotiated agreement and its implementation by providing an opportunity for citizens to participate and give their formal consent. Referendums and elections also can provide a concrete manifestation of a democratic transition negotiated through a National Dialogue.

Table 3 below lists the cases in which referendums and elections took place either to start the Dialogue or to ratify the outcome.

Table 3. Referendums and Elections

Referendum to agree on starting a National Dialogue	Referendum to ratify the final agreement of a National Dialogue	Election to validate the outcome of a National Dialogue
<ul style="list-style-type: none"> <li>• South Africa</li> <li>• Mexico</li> </ul>	<ul style="list-style-type: none"> <li>• Benin</li> <li>• Mali</li> <li>• Togo (National Conference)</li> </ul>	<ul style="list-style-type: none"> <li>• Afghanistan</li> <li>• Benin</li> <li>• DRC</li> <li>• Egypt</li> <li>• Mali</li> <li>• South Africa</li> </ul>

Of the three cases featuring referendums to ratify the agreement of the National Dialogue, the ones in Benin and Mali started a democratization process. However, in Togo (National Conference) it led to the ratification of the new constitution, which was never respected by President Eyadema, who stayed in power until his death in 2005. In South Africa, a referendum was held before the CODESA II negotiation to strengthen its legitimacy among the white minority of the country. In Mexico, a referendum was held to restart the negotiations after the San Andres Dialogues had stalled. Even though the referendum was unofficial, the vote in favor kept the EZLN at the negotiating table.

In the cases of Afghanistan, Benin, the DRC, Egypt, Mali, and South Africa, holding general and/or presidential elections following National Dialogues was envisioned as part of the implementation of an agreement.

### Box 7. South Africa: CODESA I and II—a Failed Process that Opened Political Doors

In South Africa by the end of the 1980s, the country experienced economic stagnation and isolation from international community by economic and trade sanctions, as well as cultural, sportive, and political exclusion in response to its policy of Apartheid. As a result, President De Klerk initiated unofficial meetings with representatives of the African National Congress (ANC) between 1987 and 1990 to settle terms to begin official negotiations. After the ban on the ANC had been removed in 1990, negotiations to decrease the level of political violence and begin a democratization process began the following year.

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CODESA I began in 1991; however, the political parties participating in the negotiations were not democratically elected and lacked the legitimacy to serve as a platform to create a new, non-racial democratic constitution. President De Klerk's political faction, the Nationalist Party, was also struggling to justify the negotiations after having lost three local elections, while the Conservative Party, which opposed De Klerk's negotiations, was gaining strength. The Afrikaner population began to fear that any resolution would threaten the security of their minority in South Africa. This affected the credibility of De Klerk's negotiations and threatened the continuation of negotiations.

Thus, in order to strengthen his legitimacy, De Klerk, organized an all-white referendum that asked the Afrikaner population if the negotiations should continue. The result was a 68 percent yes vote for the continuation of the talks. Even though the referendum excluded more than 80 percent of the population, it gave De Klerk the legitimacy to continue. Despite the new mandate given to the negotiations, CODESA II collapsed in June 1992. This led to a resurgence in violence that was not addressed until the MPNP in 1993. While CODESA I and II failed, the initiatives did—indirectly—open the door to a nation-wide change in policy.

### 3.4.5. Mediators, Facilitators, and Conveners

National Dialogues are often formally facilitated or mediated by an individual or a group. There can be mediators, facilitators, or conveners, depending on the specific procedures and rules of the dialogue, who can significantly shape the process. Such roles can be filled by insiders from the country, including stakeholders participating in the National Dialogue, such as in Somalia (Djibouti), where clan elders were the primary facilitator, as well as by outsiders from the region or the UN. Most of the time, an actor perceived as impartial undertakes this role. This is discussed in more detail in Subchapter 4.2.3.

One example of an insider mediator is Benin's Archbishop Isidore de Souza, a highly respected religious leader, who acted as independent chair but also mediator of his country's National Dialogue. In Afghanistan, the chair and member of the Special Independent Commission for the Convening of the ELJ, Ismael Qasimyar, an eminent professor of law, also assumed a mediating function. Qasimyar is respected for his role in Afghanistan's transition from an absolute monarchy to a constitutional state, and for his considerable experience in participating in Loya Jirga.

Outside mediators are usually highly-respected foreign figures, often high-level politicians from a neighboring or regional country. This was the case in the Inter-Togolese Dialogue, where Blaise Compaoré, President of Burkina Faso, mediated the talks. In another case, Djibouti President Ismail Omar Guelleh was not only host, but facilitator of the National Dialogue on Somalia (Djibouti). In Papua New Guinea, facilitators were respected public figures from New Zealand.

Although rare, regional countries can also be given facilitating seats in a National Dialogue. In the Somali National Dialogue (Eldoret/Mbagathi), representatives of neighboring countries facilitated the process. The Technical Committee was composed of representatives of Kenya, Djibouti, and Ethiopia.<sup>31</sup> Each of those countries had previously hosted a Somali peace conference and each had an undoubted influence on Somalia. Their inclusion seems to have been a pragmatic move, allowing the National Dialogue to encompass all actors with de facto interests in the peace and state-building negotiations. Their participation was also intended to help to create momentum and push other participants into reaching an agreement.

### 3.4.6. Support Structure and Funding

Support structures, as their name indicates, can play a backstopping function to National Dialogues, ensuring the dissemination of information about the process to relevant stakeholders, thus enhancing the preparedness of key constituencies or providing expert advice to participants. Such forms of assistance can include logistical support for the process as well as funding—often provided by external actors, such as UN agencies, NGOs, and government international development agencies. For instance, the Department for International Development of the United Kingdom (DFID) and United States Agency for International Development initially supported the Dialogue in Nepal in 2008. This was extended through 2014 with support from UNDP, using resources from Norway, Denmark, DFID, the UK embassy, and UNDP's Target for Resource Assignment from the Core (TRAC) funds. Funding covering the costs of a National Dialogue, from the venue and transport to the support structures and experts, can be provided either by the government, foreign states, regional organizations (EU, African Union), UN agencies (such as UNDP), NGOs, faith groups, diaspora communities, or a combination of the above. National Dialogue venues located outside the country are mainly used for security reasons, such as in the cases of the DRC and Somalia.

<sup>31</sup> Membership of the Technical Committee in the Somali (Eldoret/Mbagathi) National Dialogue extended to the other IGAD states of Eritrea, Sudan and Uganda in September 2003 in a move to address the bias around the management of the Dialogue.

Support structures for actors can be targeted at (or restricted to) specific groups. In Somalia (Eldoret/Mbagathi), for example, the NGO ACCORD (South Africa), IGAD, the United Nations Development Fund for Women (UNIFEM)<sup>32</sup> and the NGO IIDA Women's Development Organization provided funding and capacity-building training sessions to civil society organizations, particularly women's groups. In the DRC, local and regional women's groups as well as UNIFEM organized a workshop in Nairobi prior to the National Dialogue, while international experts advised the six committees of the Somalia (Eldoret/Mbagathi) National Dialogue.

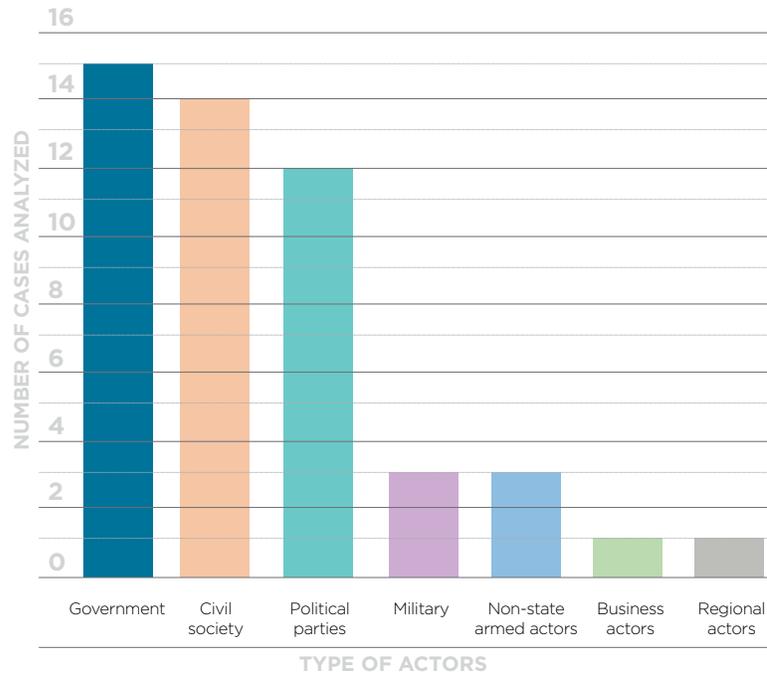
In Afghanistan, the UN provided political, humanitarian, and developmental support to the Afghan political transitional authority for its National Dialogue in alignment with the UN Security Council Resolution 1378 (November 2001) and through the UN Assistance Mission in Afghanistan, headed by the Special Representative of the Secretary-General—all of whom helped organize the ELJ.

### 3.5. Actors Participating in National Dialogues

As already indicated, actors participating in the 17 National Dialogues examined here have included government representatives, civil society groups including faith-based and traditional communities, political parties, and representatives of the armed forces, non-state armed actors as well as businesses, regional actors, and women's organizations. Figure 7 below shows the frequency of participation of different actors. It is also important to note that many actors can hold different roles at the same time, such as a woman who may be both a member of a political party and a minority group. These different affiliations may be more or less salient in any given context.

<sup>32</sup> In 2010, UNIFEM merged with Division for the Advancement of Women, International Research and Training Institute for the Advancement of Women, and Office of the Special Adviser on Gender Issues and Advancement of Women under the name The United Nations Entity for Gender Equality and the Empowerment of Women, also known as UN Women.

Figure 7. Distribution of Actors across 17 National Dialogues



### 3.5.1. Government and Other State Actors

Government officials were present as negotiators in 15 out of 17 of the National Dialogues; those cases where there was some form of functioning state structure. In some cases, the government was represented by the ruling political party. For example, in Togo, the ruling *Rassemblement du peuple togolais*, which had operated as the country’s only political party for decades and until four months prior to the 1991 National Conference.<sup>33</sup>

Elsewhere, transitional governments were also present. In Mali, under Lieutenant Colonel Amadou Toumani Touré, who had ousted President Moussa Traoré, the transitional government, the Transition Committee for the Well-Being of the People (CTSP), convened and participated in the National Dialogue. In Somalia (Djibouti), the Transitional National Government, the first internationally recognized Somali government since the collapse of the Somali state in 1991,<sup>34</sup> participated in the Dialogue in Eldoret/Mbagathi.

<sup>33</sup> President Eyadéma of Togo allowed the formation of political parties in March 1991, while the National Dialogue started in July 1991.

<sup>34</sup> The Transitional National Government of Somalia was an outcome of the Djibouti process. Despite its international recognition, another rival group—which also participated in the National Dialogue in Eldoret/Mbagathi—contested its authority. The rival group, SRRC was an unrecognized transitional government of the Ethiopia sponsored peace conference concluded in March 2001.

## Box 8. Mali's National Dialogue: An Unsatisfactory Top-down Process and the Start of a New Era

In Mali, the democratic transition process began in 1990 when civil society actors demonstrated against the military regime of the 'Second Malian Republic' led by President Moussa Traoré. In March 1991, the National Workers Union of Mali called a general strike and held a series of demonstrations. The violence escalated and in three days (22 to 24 March) an estimated 150 people died. The dissatisfaction with the regime was also growing within the armed forces. On 26 March 1991, 15 officers overthrew the President in a coup d'état. Together with civil society actors, they established the CTSP as an interim government. They initiated the National Dialogue as part of the democratization process, which became the most inclusive and democratic Dialogue since the country had gained its independence in 1960.

The implementation of the agreement reached in the Dialogue required a referendum on the new constitution together with free and fair presidential and legislative elections. The referendum and elections took place in 1992, but with a low voter turnout of only 43 percent in the referendum and an average of 22 percent in the presidential and legislative elections. The low level of participation reflected dissatisfaction with the National Dialogue and its implementation, which many perceived as having been top-down with support primarily in urban areas.<sup>35</sup>

Nevertheless, the CTSP peacefully handed over power to the newly established parliament and President Alpha Oumar Konare in the same year as the elections. The Dialogue was significant given that it marked the beginning of a new era for Mali's political regime and democratization process.

The that governments were not present in the cases of Somalia (Djibouti) and Somaliland was simply due to the virtual absence of a functioning state structure; these two National Dialogues were also mandated to form national governments. Since Somaliland's 1991 self-declared independence, the former armed members of the Somali National Movement (SNM) and local clans were embroiled in a process of state creation that involved both periods of infighting and periods of dialogue. Among the latter was the decisive National Dialogue in 1993, which facilitated the establishment of a new government. In the case of Somalia, the country had existed without any functioning government for almost a decade when, in 1999,

<sup>35</sup> Vengroff, Richard. "Governance and the Transition to Democracy: Political Parties and the Party System in Mali." *The Journal of Modern African Studies* 31, no. 4 (1993): 541-62.

Djibouti President Ismail Omar Guelleh initiated the fourth Somalia National Reconciliation Conference (Djibouti) in an attempt to form a national government.

### 3.5.2. Civil Society

Civil society plays a crucial role in peacemaking and constitution-making as well as political reform processes—often making it an important player in National Dialogues. For example, in Somaliland, the Guurti played a crucial mediating role at times where the Dialogue risked deadlock.

Civil society is an umbrella term with multiple meanings that embraces numerous identities and is as diverse as the political and cultural landscape of its country of operation.<sup>36</sup> Generally understood as the arena of voluntary collective action based on shared interests, purposes, and values, civil society is distinct from the state, family, and the market.

Despite the lack of agreement regarding its exact definition, civil society is commonly seen as both different from the state, notably executive government institutions, administration, and judiciary, and from the formal political sphere such as the legislature and political parties. Civil society actors articulate political demands addressed to the state, but they do not belong to a country's formally established political elite.<sup>37</sup> A sector on its own, civil society encompasses the public realm between state, business, and family while remaining autonomous in its functioning from any of these respective sectors.<sup>38</sup>

Faith-based organizations are civil society entities with a religious ideology or mission, usually recruiting staff from among their own supporters.<sup>39</sup> Their representatives include practitioners from all formal hierarchical levels, scholar-practitioners, and representatives of an organization with a faith-based mandate, such as the charity wing of a religious body. Faith-based entities or individuals have been present in at least five out of 17 cases, notably Afghanistan (both Dialogues), the DRC, Somalia (Djibouti), and Togo (Inter-Togolese Dialogue).

<sup>36</sup> See Spurk, Christoph. "Understanding Civil Society." In *Civil Society and Peacebuilding: A Critical Assessment*, edited by Thania Paffenholz. Colorado: Lynne Rienner Publishers, 2010: 3-28.

<sup>37</sup> Even though civil society does not belong to the formal political sphere, it often provides staff for political society and its institutions from within its ranks.

<sup>38</sup> Spurk. "Understanding Civil Society," 3-28.

<sup>39</sup> Faith-based political parties are considered to be political parties, not civil society faith-based groups.

It is also important to note that civil society groups can be either local or part of the diaspora. The latter have participated in at least five of the National Dialogues: Afghanistan (both Dialogues), Benin, Mali, and Somalia (Eldoret/Mbagathi).

## Box 9. Somalia: Faith-based Groups as a Hidden Force

In Somalia (Djibouti), unlike previous negotiations, a more favorable environment characterized the National Dialogue in support of a peace process. In the preceding decade, Somali society had transformed and diversified with new civil society groups such as humanitarian and women's organizations becoming active in the country. Other groups, such as the business community and religious leaders, also increased their power at the expense of armed factions. The inclusion of clan elders and religious leaders proved important when there was a political stalemate because such individuals are more widely accepted as mediators and can also transcend clan divides to apply pressure on different groups.

In addition, the included religious leaders and clan elders embrace a customary role for social reconciliation initiatives and they have supported forms of reconciliation which have included women. For example, married Somali women have a traditional mediation role given that they can be members of both their father's clan and husbands' clan, which they have used to push for peaceful solutions.

However, as a consequence of the inclusion of clan elders, civil society, and other non-armed actors, several armed faction leaders boycotted the National Dialogue. Given that they still retained significant power and arms, their self-exclusion from the Dialogue, coupled with the sidelining of other participating factions, had the most significant impact on the sustainability of the peace agreement. They opposed the Conference and became spoilers to its outcome.<sup>40</sup>

### 3.5.3 Political Parties

Organized political parties, other than the ruling government, have been major actors in National Dialogues; in 12 out of 17 cases the main opposition parties participated in the negotiations. While National Dialogues often

<sup>40</sup> Lortan, Fiona. "Rebuilding the Somali State." *African Security Review* 9, no. 5-6 (2000): 94-103; Elmi, Afyare Abdi and Abdullahi Barise. "The Somali Conflict: Root Cases, Obstacles, and Peace-building Strategies." *African Security Review* 15, no. 1 (2006): 32-54.

include the main political parties, it is rare that every single political entity is selected to participate.

Political parties were not participants in the National Dialogues in Afghanistan (both Dialogues), Benin, Somalia (Djibouti), and Somaliland, simply because they had not officially existed for decades and underground parties were weak. In Benin, the government, which had banned opposition groups, was based on a single-party system as a means of guaranteeing supremacy.<sup>41</sup> In Afghanistan, Somalia, and Somaliland, it was the absence of a functioning government that explains the absence of any organized political parties. Following decades of successive repressive regimes, few formally organized political parties had emerged in Afghanistan at the time of the ELJ.<sup>42</sup> However, organized political factions participated in the National Dialogue. In both Somalia (Djibouti) and Somaliland, the lack of a viable state apparatus coupled with inter-clan armed conflicts meant that clan representatives proved the most relevant actors.

### 3.5.4 Military/Armed Forces

In addition to the government, representatives of the armed forces or military personnel were directly included in the National Dialogues of Benin, Mali, and Togo. In each of these three cases, the respective governments had emerged out of the military and come to power through an armed coup, meaning the distinction between government and armed forces was not always clear. Indeed, government members in the three above-mentioned countries pushed for the participation of the military in the National Dialogue to strengthen their own respective positions.

Benin's President Kérékou, who seized power in a military coup in 1972, also included some members of the armed forces. Similarly, Lieutenant Colonel Touré, who took power in Mali through a 1991 coup that overthrew General Moussa Traoré. Touré, worked with the military and security forces to organize a transitional government, the CTSP, which itself convened the National Dialogue. In Togo, Eyadéma, who ruled the country for over 40 years after a military coup, still controlled the army by 1991. However, less than 30 members of the army participated in the National Dialogue (four percent of the 722 delegates).

<sup>41</sup> For more information see Box 1. Benin's National Conference: An Exemplary National Dialogue and Box 8. Mali's National Dialogue: An Unsatisfactory Top-down Process and the Start of a New Era.

<sup>42</sup> Afghanistan was first a monarchy, and then turned to an authoritarian republic under President Mohammed Daoud Khan in 1973. Ruled by another despotic socialist government under the People's Democratic Party of Afghanistan (PDPA), and then turned to warlord rule including the Taliban (1996-2001).

In other cases, such as Egypt, although the military was not physically present at the negotiating table, it exercised influence indirectly by shaping the process and its political context.

### 3.5.5 Non-state Armed Actors

Non-state armed actors are regularly included in National Dialogues. For example, in Afghanistan, the Mujahideen, who had ruled the country since the withdrawal of the Soviet army in 1989 until the mid-1990s, were included in the ELJ. In the DRC, a myriad of self-declared liberation movements and local militia participated in the Dialogue.<sup>43</sup>

### 3.5.6 Business Actors

Business representatives and entrepreneurs have not often taken part in National Dialogues. However, in some cases they have participated under the label of “civil society” (as in the DRC) or as members of political parties.

### 3.5.7 Regional Actors

As National Dialogues mainly are nationally driven, regional actors were only involved in one case: Somalia (Eldoret/Mbagathi). As mentioned in Subchapter 3.4.5., representatives of Kenya, Djibouti, and Ethiopia established a joint Technical Committee, which was expanded to also include Eritrea, Sudan, and Uganda beginning in September 2003.

### 3.5.8 Women

Women are included in National Dialogues either as a distinct group or as delegates in the same capacity as their male counterparts. In the first scenario, women are formal representatives of women’s organizations or delegates for networks and coalitions.

In other cases, women are participants, just like men. They are selected to be part of their delegations—political party, governmental delegation, or civil society—by the same selection criteria as male delegates; however, their selection is often positively influenced by a quota. Overall, in the 17 cases of National Dialogues, women and women’s groups are largely underrepresented. Aware of this, gender quotas either encouraging or binding delegations to select a certain percentage of women as well as

<sup>43</sup> The three main armed parties participating at the Inter-Congolese Dialogue were: the Government of the DRC, the MLC, and RCD-Goma. Additional three armed groups participated at the talks in Sun City in February 2002; Mayi-Mayi (local militia), the Congolese Rally for Democracy-National, and the Congolese Rally for Democracy-Movement for the Liberation of the Congo.

independent women's delegations, have been implemented in some National Dialogues such as in Afghanistan (both Dialogues), Nepal, and Yemen. While women's participation has been accepted in cases where they have had traditional authority and experience in conflict resolution, their participation has been challenged by the main political parties in most National Dialogues.

Despite such common challenges, research shows that women's groups are successful in influencing Dialogues directly from the negotiation table, or through other inclusive platforms such as consultations or commissions.<sup>44</sup> However, the mere presence of women at the negotiating table does not, per se, increase their influence on the process.

Their influence can be enhanced by independent women-only delegations, coalition-building, and strategic advocacy. For example, in the Inter-Congolese Dialogue, women managed to obtain several gender provisions in the final agreement by strong coalition-building and targeted advocacy. In addition, they safeguarded the signing of the agreement from Sun City by forming a human chain to block the exits to the committee room, insisting that the men negotiating inside would not be allowed to leave until the final agreement was validated.

Furthermore, this report found that outside the mandates of National Dialogues and regardless of whether or not an agreement was reached or implemented, a secondary benefit was that women themselves felt empowered as a result of their inclusion.

## Box 10. Afghanistan, Somalia, and Nepal: Unexpected Benefits of National Dialogues for Women

In Afghanistan, even after the agreements were reached and implementation was completed, the inclusion of women's groups had a lasting empowering effect on the organizations to continue their subsequent work without international involvement. The Dialogues gave women's organizations legitimacy and increased their capacity.

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<sup>44</sup> See Paffenholz, Thania et al. *Making Women Count - Not just Counting Women: Assessing Women's Inclusion and Influence on Peace Negotiations*. Geneva: Inclusive Peace & Transition Initiative (The Graduate Institute of International and Development Studies) and UN Women, 2016.

...

For example, during the Peace Jirga in 2010, women became rapporteurs of the working groups and managed to include several provisions on women's participation in politics.<sup>45</sup>

In Somalia (Djibouti), the agreement reached in the National Dialogue failed in the implementation phase, leading to the reoccurrence of violence. In spite of this development, the women's coalition (Sixth Clan) continued their work within Somali politics, and in 2004, their leader, Asha Haji Elmi, became the first woman in the history of Somalia to sign a peace agreement at the conclusion of Eldoret/Mbagathi National Dialogue. As such, the unexpected benefit of the Djibouti process was the empowerment of the women's coalition to take on an influential role in the subsequent Eldoret/Mbagathi process and in Somalia's political sphere more broadly.

In Nepal, despite initial setbacks during the first Constituent Assembly, women's experiences from this initiative proved beneficial when the second Constituent Assembly began its work in 2013. Here, they became more strategic and adopted a more informal form of advocacy, for example by approaching other members of the Assembly at the door before entering meetings to remind them to push for provisions enhancing gender equality.

As a result of this experience, women managed to integrate crucial gender equality provisions such as equal representation at the highest level of decision-making. In 2017, a provision guaranteeing Nepalese citizenship to children of Nepalese women and non-Nepalese men has been added to the 2015 constitution, although rules and regulations were still being negotiated in March 2017. In earlier constitutions, in the draft of the first Constituent Assembly, and the constitution from 2015, a child's citizenship would be solely dependent on the father's citizenship.<sup>46</sup>

<sup>45</sup> Amiri, Rina in interview with author, Anne Zachariassen, 28 February 2017.

<sup>46</sup> Deuba, Arzu Rana. (Former member of the 2008–2012 Constituent Assembly and current member of the Parliament in Nepal) in interview with author, Anne Zachariassen, 10 March 2017.

## | 4. Factors Enabling and Constraining the Effectiveness of National Dialogues

The aim of this chapter is to explore why so many National Dialogues reach agreements but fail to implement them. This chapter focuses on political patterns in National Dialogues as well as process factors enabling or constraining the conclusion of an agreement and its implementation. The factors are shown in Table 4 below.

*Table 4. Political Context and Process Factors*

Political context factors	Process factors
1. Support and resistance of the elites	1. Representation, number, and selection of actors
2. Public support or public frustration	2. Decision-making procedures
3. Influence of external actors	3. Choice of facilitator
4. Existing culture of dialogue	4. Duration of National Dialogue
5. Past experiences and prior agreements	5. Support structures for actors involved
6. Violence	6. Coalition-building and joint positioning

### 4.1. Analysis of Political Context Factors Influencing National Dialogues

A number of political context factors have either enabled or constrained National Dialogues from reaching and sustaining agreements. Among the most relevant identified were the support or resistance of national elites; the political interests of regional countries and international actors; public support for—or frustration with—the Dialogue; the existence of a culture of dialogue; past experiences and prior agreements; and violence.

#### 4.1.1. Support and Resistance of the Elites

A country's elite constitutes a relatively exclusive group of powerful political or economic actors and networks. These tend to have a disproportionate amount of political, social, and economic power compared to the rest of the society. Their support for, or resistance to, a National Dialogue is the

most crucial element prior to and during negotiations as well as in the implementation phase. The following section will analyze how elites have affected these stages of National Dialogues.

### *Prior to Negotiations*

In Egypt, resistance from the elites to initiate a National Dialogue was apparent from the beginning. The military transitional government, the SCAF, initiated the National Dialogue after public pressure. However, the Dialogue process—i.e. its setup, selection of participants, the decision-making procedure, the role of the working groups, etc.—was heavily influenced by SCAF, which never took the process seriously. As a result, Egypt's Dialogue never reached an agreement.

## Box 11. Egypt: A National Dialogue with Limited Influence

In Egypt, massive protests and demonstrations forced President Husni Mubarak to step down as president 25 January 2011 after three decades in power. In the resulting political vacuum, the SCAF took power, dissolved Parliament, and organized a National Dialogue held from April to May 2011. This officially launched the possibility for national reconciliation through a gathering of a wide range of political actors and civil society organizations. However, given that SCAF managed and controlled the process, the Dialogue proved to have only limited influence on the political transition.

One of the reasons for this was SCAF's decision to send constitutional amendments to a referendum shortly before the beginning of negotiations in the Dialogue. The referendum had a significant, negative effect on the Dialogue, as its mandate and purpose became unclear to the population. Moreover, due to the co-opted selection criteria and procedures, most people did not trust that SCAF would take the Dialogue's recommendations seriously. In the end, the National Dialogue had a very limited influence on the Egyptian political transition and the referendum was arguably yet another attempt to undermine it.<sup>47</sup>

<sup>47</sup> Cuhadar, Esra and Thania Paffenholz. "What Is a Constructive Peace Process?: Inclusion in Peace Negotiations." In *Perspectives in Waging Conflicts Constructively: Cases, Concepts, and Practice*, edited by Bruce W. Dayton and Louis Kreisberg. Lanham: Rowman & Littlefield: 131–47.

### *In the Negotiations*

Across the cases, elites have resisted as well as supported National Dialogue negotiations. For example, in Nepal, the elite and senior political leaders did not support the inclusive and democratic features of the Constituent Assembly. Ultimately, they used the lack of agreement to justify their domination of decision-making, which enabled them to control the constitution-making process.<sup>48</sup> The Constituent Assembly never managed to deliver a draft of a new constitution within its mandate of four years, and the Assembly's mandate lapsed in 2012.

In contrast to this example, elites in other places have also often supported the initiation of National Dialogues and the reaching of agreements. For example, in Benin, President Kérékou and the military had controlled the country for 17 years when demonstrations voiced demands for democratization. When the National Dialogue claimed sovereignty shortly after Kérékou had initiated it in 1990 to appease public demand, the former President negotiated his own resignation in return for immunity from prosecution for the violence committed during his reign.

Somaliland provides another example. There, 150 clan representatives across conflict lines agreed on the establishment of a new civil government, core governance institutions, the demobilization of militia, and creation of an environment for economic stability after years of armed conflict.

### *Implementation*

Nevertheless, as exemplified in numerous cases, the biggest challenge for National Dialogues is not reaching an agreement, but rather implementing it. In this domain, support or resistance from elites has proved particularly important in the cases analyzed. In Mexico, for instance, the agreement was only partially implemented because the Congress was strongly opposed to changes of the economic status quo. In particular, these included proposals by the EZLN to alter the existing neoliberal system, which limited any possible space for compromise. This meant that after the government and EZLN negotiators had reached an accord on the first stage of the San Andres Dialogues, it was impossible to ratify the agreement in the Mexican National Congress because of resistance from the country's broader elite.<sup>49</sup>

<sup>48</sup> Crisis Group Asia. "Nepal's Constitution (I): Evolution not Revolution." *International Crisis Group: Reports and Briefings*, 27 August 2012. <https://www.crisisgroup.org/asia/south-asia/nepal/nepal-s-constitution-i-evolution-not-revolution> (accessed 21 September 2017).

<sup>49</sup> García de León, Antonio. "From Revolution to Transition: The Chiapas Rebellion and the Path to Democracy in Mexico." *The Journal of Peasant Studies* 32, no. 3-4 (2005): 508-27.

In cases where the National Dialogues evolved into a public decision-making phase, either in the form of a referendum or an election, the support or resistance of elites was equally important. For example, in the case of Togo (National Conference), the military dictatorship was pushed to set up a National Dialogue to satisfy protesters' and the public's demands. However, President Eyadéma was reluctant to accept its decisions. To ratify the agreement of the National Dialogue, the government held a referendum to introduce changes to the constitution, create a multi-party political system, and initiate democratization processes. The final result indicated that 99 percent of Togolese voters were in favor. This enabled a new constitution to be enacted on 14 October 1992. Given the authoritarian nature of the pre-1991 Eyadéma regime, this was as an important development, and Togo has remained a nominally multi-party system since.

However, this did not change Togolese politics. President Eyadema never respected the new constitution and stayed in power until his death in 2005. Following his demise, his son Faure Gnassingbé took over the presidency. However, protests and demonstrations forced him to set up a new National Dialogue. This new initiative reached an agreement and although it enabled the short-term goal of setting up fairly free elections, democratic aspirations and rule of law have yet to be implemented. Gnassingbé won the election and remains in control in 2017.

Benin is an interesting contrast to Togo (National Conference), as the two cases happened within the space of a year. As previously mentioned, President Kérékou respected the agreement reached in the National Dialogue resulting in a referendum for a new constitution shortly after establishing Benin as one of West Africa's most stable democracies. Hence, even after agreements have been reached and in some cases ratified in referendums, they have not always been implemented.

## Box 12. Afghanistan's New Constitution: A Failure to Involve Local Actors

The constitution-making process in Afghanistan (CLJ) was much influenced by President Hamid Karzai. A committee consisting of nine members, all directly appointed by the President, wrote the initial draft of the constitution in 2002 with the help of foreign advisors as well as extremely capable Afghan jurists, some of whom had returned specifically from abroad for this purpose. A 35-member Constitutional Review Commission conducted extensive consultations throughout the country with the aim of refining and finalizing the draft, which was then presented for ratification to the CLJ in 2004.

...

...

President Karzai, however, directly appointed the 35 Constitutional Review members prompting allegations that he had interfered with the review process. Many observers concluded that President Karzai used his influence over the final text to change the outcomes of the consultation process, changing the proposed decentralized character of the state into a centralized one.

Afghanistan eventually adopted a governance structure with a strong president paired with a powerful parliament to provide checks on executive decrees. Numerous experienced experts, both Afghan and foreign, including diplomats, aid representative, journalists, lawyers, and policymakers, had warned from late 2001 onwards that a highly centralized form of government was not appropriate for Afghanistan. More decision-making authority, they recommended, should be granted to both regions and provinces rather than leaving most major decisions to Kabul.

In the end, this failure to fully and authentically engage local actors—an approach also pushed by certain stakeholders outside the governments—resulted in criticisms that over-centralization had failed to deliver basic services to the Afghan people and had also contributed significantly to a highly negative impact on the security situation in the country.<sup>50</sup>

### 4.1.2. Public Support and Public Frustration

Public support, or the lack thereof, is another key element that either enables or constrains both the negotiation and the outcome of National Dialogues. The ways in which developments on the ground during a National Dialogue can generate or weaken public support for the process are, of course, context-specific, but they need to be considered carefully in the planning stage, alongside the other context factors discussed here.

In some cases, public support for a National Dialogue gradually eroded during the negotiations. This had a constraining effect on the outcome. For example, in Yemen, the Gulf Cooperation Council (GCC) agreement envisaged a two-year transition process; in practice, however, it took three years from the signing of the GCC agreement in November 2011 to reach the conclusion of the National Dialogue, which eventually provided a transition plan in January 2014. A one year delay of such a massive process would have not been a major issue, if the responsible national actors would have adequately communicated both their progress and deficiencies to the population as well as the regional and international actors supportive to the

<sup>50</sup> Rubin, Barnett R. "Saving Afghanistan." *Council on Foreign Relations* 86, no. 1 (2007): 62.

process. In addition, corruption<sup>51</sup> and infighting between governing factions prevailed, and public services were not delivered. All this contributed to growing public alienation from the central government and the increasing relevance and power of alternative governing structures throughout the country, including (at least partial) support to the Houthis and their campaign against corruption and mismanagement.

Even considering the extensively inclusive negotiation process that took place during the National Dialogue, the experience of the majority of Yemenis during the period between 2011 and 2014 was of everyday governance, not of ambitious political negotiations. The transitional governing arrangement excluded most constituencies besides the political elite and also allowed the same corrupt governing practices that had precipitated the collapse of the previous regime and degraded public support for the transition, including the National Dialogue.<sup>52</sup> This example illustrates how public relations and communication affect the perception of the wider population throughout the process.

After the successful conclusion of the National Dialogue in Yemen, the political transition stalled as a result of an armed conflict for reasons predominantly linked to infighting over whether the government should adopt a federal or central structure as well as the possibility of Southern secession. The central government of national unity was not able to make sufficient progress on security sector reform to ensure the loyalty of the Yemeni security forces. Nor was the promised international assistance towards the economic recovery of the country forthcoming. All this added to public frustration.<sup>53</sup>

In other cases, increasing public support proved critical for the outcome of National Dialogues. In Somalia, Benin, and Togo, broadcast coverage of the National Dialogue helped bolster such support. Moreover, public relations campaigns also have shown the potential to building widespread popular support for the implementation of a National Dialogue. However, the broadcasting of the National Dialogue in Egypt was conducted in such a way as to undermine the process from the start, thus demonstrating its failure to the entire nation.

In sum, public support during a National Dialogue as well as the implementation phase is important for the sustainability of outcomes.

<sup>51</sup> Lackner, H. *Yemen's 'Peaceful' Transition from Autocracy: Could It Have Succeeded?* Stockholm: International Institute for Democracy and Electoral Assistance (International IDEA), 2016: 13.

<sup>52</sup> *Ibid.*, 66.

<sup>53</sup> *Ibid.*, 65.

However, this can also decline over time, if people become frustrated with the lack of progress, and should not be taken for granted. Good communication appears to be a key factor for maintaining support.

### Box 13. Role of Media in National Dialogues: A Potentially Powerful Force

The use of media for promoting key information messaging presents a powerful opportunity; “needs-based” information, for instance, aims to provide credible public interest information ranging from conflict resolution to mass health campaigns and disseminates specifically designed messaging using conventional journalism, advertising, or even mass entertainment, such as soap operas or songs. Quality journalism, notably radio and television programs, such as the BBC’s “New Home, New Life” in Afghanistan, have proved highly effective in keeping local populations informed. It has been used effectively in many other conflict or post-conflict situations around the world, such as Benin and Somalia.

The National Dialogue in Benin was broadcast live by radio as well as promoted through the print media with published images of the sessions. Videotapes of the debates were also made available. The coverage of the Dialogue reinforced the support it had from the public and civil society by adding a level of transparency to the debates and allowing the Beninese people—even those living in rural areas—to remain informed about the most important developments of the process. Opening media platforms to different opinions at the National Dialogue also increased its perceived legitimacy.

#### 4.1.3. Influence of External Actors

Regional and international actors also have the ability to constrain or enable the negotiation process and its outcomes. External actors are more likely to get involved if their own core interests are at stake. The political influence of regional actors has generally been found more important than that of non-regional international actors.

##### *In the Negotiations*

In Papua New Guinea during May and July 1997, Bougainville leaders worked with New Zealand officials to explore the possibility of resuming the disrupted peace talks held in Cairns in 1995. This led to the Burnham Dialogues held at Burnham Barracks in New Zealand and mediated by

the Wellington government with Australia.<sup>54</sup> New Zealand hosted the first talks, and adopted a neutral position vis-a-vis the parties. Working with Australia, it provided logistical assistance and advocated respect for indigenous mediation practices throughout the negotiations. These practices significantly contributed to the success of the Papua New Guinea-Bougainville peace process.<sup>55</sup>

In Afghanistan (ELJ), the delegate selection process for the Dialogue was criticized for being manipulated by the Northern Alliance and their Western allies.<sup>56</sup> For example, pressure from powerful Western countries ensured the exclusion of the Taliban. However, other actors, including other Islamist groups that, like the Taliban had also perpetrated human rights violations, were allowed to participate. This inclusion was despite explicit selection criteria designed to keep such groups out. In addition, despite warnings by human rights, civil society, academic experts, as well as experienced diplomats, the Afghan Secret Service was commissioned to provide security during the Dialogue. It used this access to intimidate participants who had different views from the government.<sup>57</sup>

Similarly, the selection process in Somalia (Eldoret/Mbagathi) reflected the interests of Western actors, who opposed Islamic fundamentalism, rather than national ones. Thus, faction leaders were over-represented, while traditional leaders, businessmen, and other actors perceived as having links to fundamentalist groups were sidelined.

### *Implementation*

In several cases, external actors constrained or enabled the implementation of an agreement. In the Somali National Dialogue (Djibouti), Ethiopia rejected the transitional government and encouraged local armed factions to do so as well. Thus, the Addis Ababa government deliberately undermined and constrained the implementation of the interim administration. This was primarily because it feared that a successful outcome would lead to the return of a strong and competitive Somali state.

As another example, in francophone West Africa, France played a special role, having strong interests in the region as the former colonial power. In Benin and Togo (National Conference), Paris placed substantial pressure

<sup>54</sup> Australia's role in the Burnham Dialogues was de-emphasized in subsequent peace efforts due to the level of suspicion and resentment in Bougainville and Papua New Guinea stemming from Australia's role as a former colonial power.

<sup>55</sup> For further details on the role of the mediator in the Papua New Guinean National Dialogue, see Subchapter 4.2.3. Choice of Facilitator, Mediator, and Convener.

<sup>56</sup> Human Rights Watch. *World Report 2003: Events of 2002, November 2001–November 2002*. United States of America: Human Rights Watch, 2003.

<sup>57</sup> Suhrke, Astri et al. *Conflictual Peacebuilding: Afghanistan Two Years after Bonn*. Bergen: Chr. Michelsen Institute, 2004: 28–9.

on the respective governments to initiate democratic reforms. It also had a substantial influence on the inception of the Beninese and Togolese National Dialogues. In Benin, France, along with international organizations (e.g. the International Monetary Fund), pressured Kérékou throughout the entire negotiation process to promote democratic transition.

In Togo (National Conference), the U.S.A., Germany, and the EU joined France in its advocacy efforts. However, the division of the opposition allowed President Eyadéma to take advantage of the situation and stay in power. This situation was compounded by the fact that Paris had by 1992 dramatically changed its policy towards Africa with President François Mitterrand announcing that France would not interfere in African affairs. Thus, in the absence of external pressure, Eyadéma felt less of a need to relinquish his power.<sup>58</sup>

In sum, powerful external actors can significantly influence National Dialogues by enabling or constraining their outcomes for reaching and sustaining agreements.

#### 4.1.4. Existing Culture of Dialogue

A pre-existing culture of dialogue can also be an enabling factor. In the Papua New Guinea-Bougainville armed conflict, women played an important role in traditional dispute-settlement practices. This had already proved important in the locally-generated peace initiatives prior to the beginning of the formal process. Their strong involvement alongside local leaders of warring parties and the Councils of Elders/Chiefs<sup>59</sup> proved critical from the ceasefire to the final peace agreement.

Moreover, in certain countries, the valorization of traditional mediation methods has emerged as a crucial enabling factor. In Somaliland, eight clan elders took a mediating role in the Conference. In traditional Somali society, conflicts are resolved through a social contract called *Xeer*, where specific problems are deliberated by clan elders. Consequently, both their experience and mediation efforts were welcomed by clan members and contributed significantly toward successful consensus-building.

<sup>58</sup> Heilbrunn, John R. "Social Origins of National Conferences in Benin and Togo." *The Journal of Modern African Studies* 31, no. 2 (1993): 277-99.

<sup>59</sup> Councils of Chiefs were the analogous bodies affiliated with the Bougainville Resistance Army (BRA).

## Box 14. Somaliland: The Guurti—Reverting to Traditional Clan Mediation

In 1991, a coalition of anti-government insurgencies overthrew Somali President Siyad Barre. This resulted in the SNM gaining control of the region of Somaliland, formerly British Somaliland during the colonial period, and previously seen by the Barre regime as one of “Greater Somalia’s” five regions as designated by the five stars of the Somali flag. The other four include Somalia (former Italian Somaliland), the former French territory of Djibouti, the Ogaden region of Ethiopia, and northern Kenya.

On 18 May 1991, the new Somaliland leadership unilaterally declared independence from Somalia. However, this did not lead to peace in Somaliland. On the contrary, war broke out between clans and SNM lost their position to organize and host reconciliation meetings. The situation opened the door in 1993 for a key role by the traditional elders and the National Dialogue (Borama Conference) for establishing a new mediation process. The elders were viewed as legitimate mediators between the clans and the then transitional administration of Abdirahman Ahmed Ali Tuur.

As for the National Dialogue, this was based on the traditional structure of a council of clan elders, the Guurti, with 150 voting clan representatives drawn proportionally from all groups residing in Somaliland. Each sub-clan was thus given a number of seats (and votes) in proportion to their size. It was chaired by eight non-voting clan elders. Moreover, it was locally driven with no international actors present. The diaspora provided funding to the Dialogue after they—in addition to the Guurti and women’s groups—had put pressure on the clans to find a peaceful solution through an inclusive Dialogue.

The significance of the National Dialogue lay in the resulting documents, a Peace Charter and a National Charter for Somaliland. This included, among other points, the demobilization of armed militia and recognition of the Guurti’s traditional authority by giving clan elders the exclusive right to serve in the upper house of a bicameral parliament, the House of Elders. In 2003, Somaliland held its first presidential and multi-party elections and has since held five democratic elections for local councils, parliament, and the presidency, each with peaceful transfers of power. However, a unilateral decision made by the Guurti to postpone presidential and parliamentary elections from June 2015 to October and November 2017 lowered the country’s freedom rating on the Freedom House scale.<sup>60</sup>

<sup>60</sup> Freedom House. “Somaliland.” Reports: Freedom in the World, 2017. <https://freedomhouse.org/report/freedom-world/2017/somaliland> (accessed 19 September 2017).

## 4.1.5. Past Experiences and Prior Agreements

Building on past negotiation experiences and prior negotiated agreements can lead to more effective National Dialogues. Facilitators or mediators can learn from these past experiences and ensure that they repeat successful strategies as well as avoid failed ones. In Somaliland, where the Guurti (council of clan elders) represented each of the clans, an effective system developed in the Sheekh Conference a year earlier. The Guurti thus had the power to lead the Conference and exercise decision-making power.

In South Africa, the designers of the South African MPNP created a small decision-making body, the Negotiating Council, to receive inputs from the various committees and commissions. The Council converted these into recommendations for the new constitution as well as draft legislation for governing the transition process prior to the adoption of the constitution. The Negotiating Council also included two representatives from each party at the MPNP. Final decision-making power to approve or reject the decisions of the Negotiating Council rested with the plenary, which brought together all representatives elected to the MPNP. The decision to form the Negotiating Council in the architecture of the MPNP reflected the experience gained from the deadlocked decision-making of the failed CODESA negotiations, which had lacked an equivalent structure.

## 4.1.6. Violence

As mentioned in Subchapter 2.1., in cases with low level of violence, National Dialogues reduce violence in the short term by transferring grievances voiced from the streets into formalized processes. While we did not find a clear pattern among the cases with higher level of violence, in some of these the capacity of National Dialogues to reach and implement agreements was constrained. For example, in South Africa, the National Dialogue (CODESA I and II) were initiated to promote the democratization of the country with equal rights for all citizens and to end violence. However, this process did not reduce violence and eventually ANC left the negotiations causing CODESA II to collapse. Nearly a year later, the parties initiated a new National Dialogue: the MPNP, which reached an agreement. In both of Somalia's National Dialogues, continued fighting among the faction leaders over power and access to resources, produced a major constraining effect on the implementation of the agreements reached in the negotiations.

## 4.2. Analysis of Process Factors Influencing National Dialogues

Despite the importance of the political context of National Dialogues, the comparative analysis of the 17 cases shows that select process factors are also important for their outcome. The prominent process factors identified are the following: representation, number, and selection of actors; decision-making procedures; choice of facilitator; duration of National Dialogue; support structures for the actors involved; and coalition-building and joint positioning.

### 4.2.1. Representation, Number, and Selection of Actors

In the design of National Dialogues, the selection of participants is key to ensuring representation of various spheres from politics, society, and sometimes business in order to enhance the implementation of the eventual agreement. The following section analyzes the implications of the nature of this representation and how elites enabled—or constrained—representative selection criteria and procedures.

#### *Representation of Actors*

Firstly, the representation of stakeholders is understood to include actors classified on the basis of eight distinct groups (see Subchapter 3.5): governments, civil society, political parties, military, non-state armed actors, business, regional actors, and women's groups. All the cases demonstrating a high diversity (four to five actor groups) reached an agreement. Thus, contrary to the traditional wisdom that more actors make a negotiation process too complex, it appears that broader diversity does not constrain, but may even contribute toward reaching an agreement.

#### *Number of Actors*

Looking at the outcomes of the 17 cases, the size understood as the number of participants in the National Dialogue (see Figure 5), does not seem to diminish or increase the likelihood of reaching or implementing an agreement.

#### *Selection of Actors*

The analysis of the combinations of selection procedures and criteria across the cases shows that such approaches did not lead directly to more (or less) representativeness. Rather, any procedure can lead to higher or lower representativeness depending on whether elites support or resist the inclusion of different actors.

In the Egyptian National Dialogue, for instance, the selection procedure included the appointment and the selection criteria: a combination of organizational membership, merit/reputation, and strategic considerations. Mali saw similar combinations of selection procedures and criteria; nonetheless, the outcomes of the two National Dialogues were very different.

## Box 15. Egypt and Mali: Similar Selection—but Different Representation Levels

In Egypt, through the combination of selection procedure and criteria, the transitional SCAF government managed to influence the selection in its favor. For example, a member of the government, Deputy Prime Minister Yehia El-Gamal held the power to appoint participants to the Dialogue. This was heavily criticized as delegitimizing it. In the second round of the Egyptian National Dialogue, Abdel-Aziz Hegazy, an 88-year-old former Prime Minister who had served under Hosni Mubarak's predecessor, Muhammad Anwar El Sadat, was appointed Chair of the Dialogue.

Presumably, this move was designed to appease the constituencies who had opposed the appointment of El-Gamal; however, Hegazy was hardly an independent voice. He had the same power as El-Gamal to choose the chairpersons of the working groups, who were responsible for finalizing and reporting the results of each group. Thus, even though the military did not participate directly in the negotiations, SCAF's selection of participants gave the military control over the Dialogue, allowing it to keep its hierarchical status without directly participating. The National Dialogue never reached an agreement and the selection of participants was later identified as one of the fundamental factors leading to its failure.<sup>61</sup>

In contrast to the National Dialogue in Egypt, the elites in Mali did not try to influence the selection of participants to gain control over the process. On the contrary, the Dialogue included a broad range of actors such as representatives of political parties, various associations, diaspora, and the press, which made the agreement more legitimate. The transitional government appointed 1,500 participants after a commission set up to prepare the National Dialogue had given their advice on whom to include. The pre-negotiations commission included politicians, representatives of unions, peasants, women, youth, and companies, as well as religious groups and senior civil servants, but did not have the decision-making power to select participants. Even though violence occurred in the north of Mali several years after the conclusion of the National Dialogue, it proved a crucial step in the democratization process of the country.

<sup>61</sup> Cuhadar and Paffenholz. "What Is a Constructive Peace Process?" 131–47.

In Yemen, a combination of selection procedures of application and nomination, together with the socio-demographic selection criteria, was meant to ensure the representativeness of participants in the Dialogue, and their independence from the conflict parties who were already represented. However, the polarized environment in which many people have multiple identities intersecting with conflict dynamics made this an inherently difficult endeavor. Additionally, security issues and the deliberate attempts of some armed groups to access negotiations under the civil society banner made it hard to determine the actors' 'independence'. A Technical Preparatory Committee of 25 members, which expanded to 31 and divided into two subcommittees, went through the applications attempting to achieve representation from all 21 Governorates, as well as a demographic balance to ensure the widest diversity and inclusion possible. Nevertheless, these efforts to ensure the independence of participants were far from perfect, and the political parties and other elites had great influence on their selection.

In both National Dialogues in Afghanistan, the selection processes were heavily influenced by national elites and external actors. In particular, in the ELJ process, the selection was criticized for excluding the Taliban but not other groups that had also committed human rights violations. The manipulation of the selection process damaged the legitimacy of the Dialogue and the transitional cabinet. Even though the Dialogue in general was very inclusive and represented the first step towards a democratization process, the selection of participants challenged these values.<sup>62</sup>

In sum, the representativeness of a National Dialogue does not, in itself, hinder the reaching of agreements, but even the best selection procedures can be manipulated by elites to ensure their control over the process.

### Box 16. Papua New Guinea: Self-exclusion from National Dialogue

Francis Ona, leader of a mine-lease landowner association in the mid-1980s, emerged as the leader of the Bougainville Resistance Army (BRA)—one of the main actors next to young Bougainvillean mine workers and Bougainville Copper Limited (BCL). Together with the mine workers, Ona, and other landowner associations members sabotaged power lines essential to the Panguna mine. The harsh reaction of the Papua New Guinean government led to the rise of an armed conflict and secessionist movement.

...

<sup>62</sup> Suhrke. Conflictual peacebuilding, 29-30.

...

In 1998, Ona split from the BRA and with the Me'ekamui Defense Force (MDF) controlled an area of the Panguna mine in central Bougainville. The MDF had a hard-line position on Bougainvillean independence (viewing the issue as already settled in favor of independence) and a poor relationship with other Bougainvillean factions. As Ona's standing in the BRA had waned by 1998 and his faction was not sufficiently powerful to prosecute a military claim to leadership, he judged that the National Dialogue and peace process would fail and that by refusing to participate in the talks, his standing and support would increase.

However, the negotiations reached an agreement and Ona's strategic miscalculation marginalized his subsequent influence on public life in Bougainville. Moreover, the group refrained from spoiling the peace agreement and their self-exclusion might actually have enabled the process to come to a positive result.<sup>63</sup>

#### 4.2.2. Decision-making Procedures

This study also analyzed decision-making procedures to examine whether they enabled or constrained the National Dialogues to reach an agreement and implement it. Decisions can be taken by a plenary, a decision-making body, or within the working groups (see Subchapter 3.4.3.). As concluded in the above subchapter, decision-making procedures have no single straightforward and consistent effect on the representativeness or the outcome of the process. Instead, the support or resistance of elites to the decision-making procedures is more likely to enable or constrain the outcome by either ensuring meaningful inclusion or actively preventing it.

For example, most National Dialogues make the final decision in the plenary, either through simple majority or consensus, to ensure an equal voice for all actors. In Somaliland, the decisions were taken in the plenary where the chairs of the proceedings were chosen on a daily rotating basis. The setup and proceedings proved very effective, whereby the self-declared autonomous republic approved the transitional parliament.

However, several National Dialogues with this decision-making procedure did not give an equal voice to all the actors but rather enabled the elites to dominate and control the decision-making process. For example, in the DRC, the Lusaka Ceasefire Accord gave all actors equal decision-making powers; however, the main parties to the armed conflict only consulted the civil society delegation and unarmed groups after they had already made their decisions. In addition, bilateral agreements were reached outside the

<sup>63</sup> Lees, Sean et al. *Bougainville Peace Agreement: The Burnham I and II Dialogues*. United Nations Development Programme: Asia and Pacific, 2015.

National Dialogue, completely excluding civil society and unarmed political parties from influencing these processes.

In Nepal, senior political leaders used the disagreement in the plenary to justify dominating the decision-making. Thus, instead of discussions in the plenary, provisions were discussed behind closed doors in high-level political meetings, and were often kept secret even from fellow party members.

In Egypt, a highly elitist decision-making procedure dominated by the military had an enormously constraining effect on reaching an agreement. The Dialogue had no predetermined obligation on the part of SCAF to respond to the decisions of the working groups, and, in fact, these recommendations were entirely ignored. Thus, the effectiveness of the National Dialogue and its working groups to challenge the established power structure or the interests of military elite was severely constrained. This structural weakness was further compounded by the fact that the working group leaders, who were responsible for finalizing and reporting the results of each group, were chosen by the chair of the Dialogue, former Prime Minister Abdel-Aziz Hegazy.<sup>64</sup>

Other decision-making procedures can constrain the influence of included actors. For example, the Somali National Dialogue (Eldoret/Mbagathi) included a large number of delegates, ranging between 300 and over 1000 at various points in the Dialogue. However, a decision-making body with between 24 and 38 members known as the Leaders' Committee—which was comprised of Somali armed faction leaders, representatives of the rival governments, the Transitional National Government, and the Somali Restoration and Reconciliation Council (SRRC)—dominated the decision-making process. Indeed, the Leaders' Committee held veto power over all discussions taking place in the plenary of the Dialogue. This limited the power of clan elders and other delegates, who were not member of any armed faction, to influence the proceedings. For example, civil society groups were not consulted on whether the Somali state should be a federal or centralized entity. In addition, they were often sidelined in discussions over power-sharing and representation.

In Yemen, on the other hand, the decision-making procedure, which was a mix of decision-making in the plenary and working groups, arguably enabled decision-making in an otherwise very polarized Yemeni society. The National Dialogue was divided into nine working groups with the liberty to set up their own rules including the organization of their work. The decision-making procedure in eight of nine working groups was by

<sup>64</sup> Paffenholz, Thania and Nick Ross. *Managing Complexity in Negotiations: All Inclusive National Dialogues: The Cases of Congo and Egypt*. Geneva: Inclusive Peace & Transition Initiative (The Graduate Institute of International and Development Studies), 2015.

consensus, defined as 90 percent agreement on a certain article. All the working bodies, apart from the working group on the Southern issue, followed this procedure.

A different procedure was set up for the working group on the Southern issue. Here, an 8+8 negotiation format was set up in case of deadlock, which included eight delegates from the south and eight from the north and was facilitated by the UN. This decision-making procedure was set up to protect Southerners from being out-voted on the Southern issue. Articles that did not receive the required 90 percent consensus vote were sent to the Consensus Committee, where they were reviewed and modified and sent back to the relevant working group. From there, articles required at least 75 percent consensus.

In sum, decision-making procedures can be inclusive and accord influence to a variety of actors, but this depends on support of elites. In several cases, the main parties to the conflict, such as armed groups or senior political leaders, hijacked decision-making and consequently constrained the agreements reached and/or their implementation.

### 4.2.3. Choice of Facilitator

Facilitators can play several important roles within National Dialogues. They can enable the launching of the process, lower tensions, and facilitate the Dialogue. In other cases, they can have a constraining effect.

In Benin, Archbishop de Souza, the independent chair of the National Dialogue, acted as a formidable enhancing factor in the process. While President Kérékou and his supporters originally refused to accept the sovereign status of the Conference, De Souza's influence seemed to have been a determining factor in Kérékou's eventual acceptance of the Conference's sovereign nature. De Souza is also an example of a facilitator who was excellent at managing tensions; every time Kérékou threatened to leave the negotiating table—which in turn put the whole Conference on the verge of collapse—de Souza persuaded Kérékou to stay and to accept the Conference's outcomes in good faith. This ultimately resulted in an agreement and the democratization of the country.

The role of New Zealand Foreign Minister Don McKinnon as a facilitator in the Burnham Dialogues exemplifies how a facilitator can contribute to making negotiations successful. Placing considerable focus on local ownership, consensus, and peacemaking traditions, McKinnon and the New Zealand facilitation team emphasized process over results, and so remained agnostic about any desirable outcome for Bougainville. The process was designed to be culturally relevant, drawing on Melanesian

peacemaking techniques such as touching noses and exchanging breaths, but also allowing participants a great degree of freedom to talk to one another in unstructured groups of varying size. This approach contributed to a number of success factors, including the opportunity for opposing combatants to meet each other unmediated by their respective leaders.<sup>65</sup>

In the DRC, on the other hand, the facilitator Ketumile Masire had a constraining effect on the peace negotiations. Masire invited South African President Thabo Mbeki to help with the facilitation of the Dialogue. However, his approach to propose two plans regarding the distribution of important positions in the transitional government jeopardized the entire process. The first plan, called Mbeki I, was rejected by the RCD-Goma and the MLC. The revised second plan, Mbeki II, openly favored the RCD-Goma, and was rejected by the government and MLC. However, the plans were not only a failure; they may have been counterproductive as shortly after the Mbeki II plan was rejected, the government and MLC concluded a bilateral agreement securing President Kabila the presidency and leader of the MLC, Jean-Pierre Bemba the seat of prime minister. Consequently, UN Secretary-General Kofi Annan replaced Masire with ex-Prime Minister of Senegal and the Special Envoy to the DRC, Mustapha Niasse, who managed to reopen inclusive negotiations and eventually the signing of inclusive agreements in December 2002 and April 2003.<sup>66</sup>

In sum, facilitators can have a very significant impact on National Dialogues. In many cases, the mediator or facilitator enabled an agreement through their mediation style and their handling of key participants, particularly of elites.

#### 4.2.4. Duration of National Dialogue

Looking at the outcomes, the duration of a National Dialogue interestingly does not seem to diminish or increase the likelihood of reaching an agreement. However, there may be a relationship between the length of the negotiations and the implementation of an agreement. Based on our assessments, the shorter National Dialogues (up to 250 days, i.e. less than a year) were more likely to be implemented. A possible explanation could be that shorter National Dialogues draw on the momentum generated at the time; thus any agreement reached is easier to implement. Another potential reason may be that the longer the National Dialogue, the more time there is for resisting elites to organize and wage a campaign against implementation.

<sup>65</sup> Rolfe, Jim. "Peacekeeping the Pacific Way in Bougainville." *International Peacekeeping* 8, no. 4 (2001): 38–55.

<sup>66</sup> Rogier, Emeric. "The Inter-Congolese Dialogue: A Critical Overview." In *Challenges of Peace Implementation: The UN Mission in the Democratic Republic of the Congo*, edited by Mark Malan and João Porto Gomes. Pretoria: Institute for Security Studies, 2004: 25–42.

## 4.2.5. Support Structures for the Actors Involved

Support structures for involved actors were not directly an enabling or constraining factor for the 17 National Dialogues to reach and implement agreements. Nonetheless, an analysis of the structures revealed interesting findings concerning how they enabled actors to influence the negotiations.

The preparedness of the actors through workshops and consultations can facilitate sustainable outcomes. They provide the necessary expertise and tools to make a real contribution. For example, in the DRC, UNIFEM, in cooperation with local Congolese women's organizations, held a problem-solving workshop for women across political parties, rebel groups, and civil society. The aim of the workshop was to find a common position among the female participants to strengthen advocacy for the greater inclusion and influence of women in the National Dialogue. The women managed to get 34 more female delegates included from the first to the second round of negotiations (from 6 out of 74 to 40 out of 362 delegates). In addition, the women delegates managed to incorporate several gender provisions in the agreement.

In Somalia (Eldoret/Mbagathi), international experts were available to advise members of the six technical committees. These included Professor Mohamud Abdin Nur of the World Bank as a consultant to the committee on Economic Recovery, Julian Thomas Hottinger from Switzerland, as an expert assigned to advise the committee on the Constitution and Federal System, and Gunther Schlee of Germany, for the committee on Disarmament, Demobilization, and Reintegration. However, the expertise available did not increase the influence of civil society representatives in the Leaders' Committee. For example, in January 2003, a fight broke out when the civil society members of the Leaders' Committee arrived for a committee meeting and were denied entry. The negotiations were heavily dominated by faction leaders, which left little room for other participants to assert themselves.<sup>67</sup>

As mentioned in Subchapter 3.4.6., the case of Somalia (Eldoret/Mbagathi) is yet another example of support structures provided by international organizations. UNIFEM funded a women's resource center for information and dialogue. Here, women had access to the internet and could print advocacy materials and leaflets on issues such as quotas and political processes. Male delegates also used the resource center due to a lack of facilities at the Conference. In addition, UNIFEM, IGAD, and the NGOs African Centre for the Constructive Resolution of Disputes (ACCORD) and Women's Development Organization (IIDA) held training workshops for civil

<sup>67</sup> IRIN. "Somalia: Fighting Breaks out at Peace Conference." *IRIN*, 28 January 2003. <https://reliefweb.int/report/somalia/somalia-fighting-breaks-out-peace-conference> (accessed 21 September 2017).

society groups, including women's groups, on negotiation and mediation techniques and helped women review draft reports from the six technical committees. The support from UNIFEM, IGAD, and the NGOs enabled women's organizations to select five of their members to represent the women's agenda in the National Dialogue. Moreover, the women's groups managed to get a 12 percent quota of women in the Transitional Federal Parliament. They proved successful in inserting gender-sensitive language into the agreement such as; "No person shall be subjected to inspection, personal search of his/her house or his/her property without the permission of competent judicial authority related to health and tax."<sup>68</sup>

In sum, support structures from external actors can enable the influence of participants. However, this external support does not necessarily lead to the signature of an agreement or its implementation. For example, in the DRC, several of the gender provisions that women's groups managed to get into the final agreement were never implemented. In Somalia (Eldoret/Mbagathi), the agreement was never implemented<sup>69</sup> and the country experienced recurrences of violence after the National Dialogue.

#### 4.2.6. Coalition-building and Joint Positioning

Even though an increased influence of involved actors is not directly an enabling or constraining factor to reach and implement agreements, the findings are presented here. Actors and groups involved in National Dialogues have formed coalitions to enhance their own influence. In some cases, coalition-building occurred among groups of similar identity and belonging, and in other cases, powerful actors such as armed groups or governments.

A poignant example of effective coalition-building is the establishment of a "Sixth Clan" by nearly 100 women in the 2000 Somalia peace negotiations in Djibouti. This National Dialogue was organized on the basis of the Somali clan system. Thus, the negotiations effectively excluded the concerns and voices of any actor or group not represented by clan interests. Recognizing this exclusion and its potential harm to the peace process and Somali society, 92 of the 100 women present at the Dialogue unilaterally formed an alternative coalition and broke away from clan lines. Agreeing to vote as a single block, rather than in the interests of their respective clans, this self-proclaimed women's Sixth Clan introduced an entirely novel and gender-based aspect to the negotiations. This led to the unprecedented ten percent

<sup>68</sup> Transitional Federal Charter. *The Transitional Federal Charter of the Somali Republic*. February 2004. <http://www.ilo.org/dyn/travail/docs/2177/Transitional%20Federal%20charter-feb%202004-English.pdf> (accessed 21 December 2016).

<sup>69</sup> One provision not yet implemented is the provision securing 30 percent quota of women in politics. The first transitional government did not include 30 percent women and in 2015, women made up only 8 percent of parliamentary members. Johan, Selim et al. *Human Development Report 2016: Human Development for Everyone*. Canada: United Nations Development Programme, 2016: 216.

women's quota in the Transitional National Assembly. Unfortunately, the final agreement of the National Dialogue was never implemented, partly due to lack of regional support from Ethiopia and Somali faction leaders (see Subchapter 4.1.3. on external actors).

In some cases, as mentioned above, international actors facilitated initiatives to promote coalition-building through workshops and consultations such as the high-level problem-solving workshop for women in the DRC organized by UNIFEM and local women's organizations. Other cases show non-armed actors forming coalitions with armed groups. In the Inter-Congolese Political Negotiations, the unarmed opposition attempted to enhance their influence by forming coalitions with the main armed groups and the Kabila government. The latter wanted to build its legitimacy by winning the favor of civil society groups, including through the release of over 200 political prisoners in 2001. It also offered gifts of money and the promise of places in the transitional administration. The acceptance of these favors by some civil society representatives damaged the credibility of the delegation. In the end, civil society as well as the non-armed political parties did not enhance their influence in the negotiations. The armed conflict parties controlled the National Dialogue and ensured their own future in the final agreement.

Another example of how the lack of strategic joint-positioning can work against the aim of a National Dialogue can be found in Togo (both Dialogues), where a lack of unity and cohesion among the opposition parties led to a confusingly fragmented "pro-change" front that rendered itself ineffective.<sup>70</sup>

In sum, coalition-building is a strategy that can enable the influence of marginalized groups such as women and minorities. The lack of strategic coalition-building, on the other hand, has at times allowed elites to dominate and control both the negotiations and the final agreement. Nevertheless, in several of the cases with strong coalition-building, the final agreements were not implemented due to resistance from elite and/or external actors.

<sup>70</sup> Heilbrunn. "Social Origins of National Conferences," 277-99.

## | 5. Overall Results and Concluding Remarks

This report analyzes 17 cases of National Dialogues across various regions of the world that took place between 1990 and 2014. Drawing from these cases, it develops a set of common characteristics, which shows that National Dialogues:

- a | are multi-stakeholder negotiations (although not all multi-stakeholder negotiations are National Dialogues);
- b | are formally mandated at a high (track one) political level. Many are accompanied by broader societal consultations in different formats at different times (e.g. consultations, commissions, referendums);
- c | revolve around an issue of fundamental national concern generally initiated in circumstances in which the country has experienced armed conflict, war, or popular uprising by a frustrated public with mandates of peace-making, political reform, or constitution-making;
- d | involve the main parties to any particular subject of negotiation, typically bringing in the government, the most significant opposition, as well as civil society or business actors who represent wider constituencies in their respective societies.

National Dialogues occur in historical phases when massive resistance challenges the legitimacy of a country's government in power. This can be either in the form of armed protest or civilian mass mobilization. Governments often initiate National Dialogues with the aim of regaining legitimacy and retaining power by controlling the negotiation process and outcomes. Other actors envisage National Dialogues as an opportunity to redefine the future of the state, either through a change of regime for their own partisan interests or to institute processes of democratization or reform. Both pro- and anti-change camps can be comprised of different political actors as well as sometimes include the army, civil society, or businesses. For example, depending on the case, we found political parties or civil society groups in either camp. Thus, the case studies show that civil society groups can be as diverse as political parties.

Contrary to the belief of many international actors, the study finds that pro-change proponents have not striven massively to make the regime-in-power agree to set up a National Dialogue. External actors rarely initiate Dialogues, although in several cases, international actors have supported the push to initiate them.

While most of the National Dialogue cases analysed reached an agreement, only half of these were implemented. Perhaps, contrary to the hopes of

international proponents for their success, National Dialogues face similar obstacles in the implementation period as peace negotiations. This report has analyzed possible reasons for this by looking at a set of process and context factors underlying the cases and how they have influenced the outcomes of the National Dialogues.

Procedures for preparing, conducting, and implementing National Dialogues have played a decisive role in whether processes are perceived as representative and legitimate. Yet, while such process design is important and can contribute to sustainable outcomes, it is never isolated from the political context. On the contrary, contextual political factors have an arguably important effect on whether sustainable outcomes are reached. This is particularly true for the contextual factor pertaining to national elites and their role in either supporting or resisting change.

Regional and international actors have also played an important part in National Dialogue processes, in particular when the outcome potentially threatened regional stability and their interests were thus at stake. Equally, public support to the process can influence the sustainability of the Dialogue. However, the political dimension, particularly the role of national elites, was the most significant factor enabling or constraining the outcomes of National Dialogues. In many cases political or military elites effectively prevented unwanted changes to the regime by offering support or resistance at key moments both during the negotiations and in the implementation phase. In other cases, these elites have fully supported change when it suited their retention of power.

Furthermore, despite the finding that most National Dialogues fail to implement the agreements reached, these processes can contribute to longer-term transformation and act as precedents for future negotiations. Secondary benefits of National Dialogues were identified even in cases where the agreement was only partially implemented. For example, in Mexico, the National Dialogue contributed to a process of political liberalization in the country by providing a focal point, particularly for the left of the political opposition. This, in combination with the democratization process initiated in the 1980s and 1990s, led to the election in 2001 of the first non-Institutional Revolutionary Party president in the post-revolutionary era, Vicente Fox of the National Action Party.<sup>71</sup>

Furthermore, related research conducted by IPTI has shown that the initiation of a National Dialogue has often been able to reduce levels of violence in the short term, particularly in the context of popular protests, by channeling grievances from the streets into a formalized negotiation process.<sup>72</sup>

<sup>71</sup> García. "From Revolution to Transition," 508-27.

<sup>72</sup> Paffenholz, Thania, et al. *Preventing Violence through Inclusion: From Building Political Momentum to Sustaining Peace*. Geneva: Inclusive Peace & Transition Initiative (The Graduate Institute of International and Development Studies), October 2017.

Overall, the findings of this report, based on a comparative analysis of the 17 cases, add significantly to a general understanding of National Dialogues, their characteristics and the factors that enable or constrain them in reaching sustainable outcomes. Given the key finding about the centrality of political dynamics of elite resistance and support to these processes, further in-depth research into these dynamics and the role of national and regional elites would be beneficial to both scholarly and practitioner/policy communities engaged with National Dialogues, an instrument that will most likely remain relevant in the handling of political crises and transitions for the foreseeable future.

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Cover image:

Nepalese lawmakers celebrate after the final constitution process at Constitution Assembly hall in Kathmandu, Nepal, Wednesday, 16 September 2015. (AP Photo/Niranjan Shrestha)

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