

National Dialogues at crossroads

A series



National Dialogues x **Transitional Justice**

About this paper

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About the authors

Sylvia Servaes has been working for Misereor for almost thirty years accompanying and advising peacebuilding and human rights organizations in Central and West Africa. On behalf of Misereor, she was also part of the Working Group on Peace and Development (FriEnt). She has worked extensively on Transitional Justice, economics and peacebuilding. Sylvia is a social scientist with a focus on legal anthropology and African human rights traditions, and has done research on German colonial history, urbanization and conflict resolution in Rwanda.

David Bloomfield works as a conflict adviser to governments and INGOs. Originally from Belfast, he has worked in the field of conflict and peacebuilding for over 40 years as a trainer, practitioner, policy adviser, analyst, author, academic, senior manager and NGO director, in contexts around the world. He has a particular specialism in reconciliation and has published extensively on this topic.

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Table of contents

Preface	4
1. Introduction	8
2. Conceptual Foundations: National Dialogues and Transitional Justice	9
2.1. National Dialogues	9
2.2. Transitional Justice	12
3. National Dialogues and Transitional Justice Processes – Shared Characteristics and Complementarities	16
3.1. Shared characteristics	16
3.2. Complementary characteristics	18
4. Integrating Transitional Justice and National Dialogue: Potential and Challenges	19
4.1. Potential	19
4.2. Challenges	22
5. Areas for Further Exploration	25
5.1. What do we know – and how can we use it?	25
5.2. Further research questions	26
6. Conclusion – Looking Ahead	27
References	28

Preface

Over the last two decades, National Dialogues have been increasingly recognised as a comprehensive tool for preventing violent conflicts and reaching inclusive political settlements. As the practice has developed worldwide, conceptual expertise and process design support have expanded and professionalised, resulting in a number of publications, hands-on manuals and training materials on National Dialogues. In 2017, the Berghof Foundation and swisspeace published the *National Dialogue Handbook* to assist national stakeholders and international support actors in the preparation, conduct and implementation of National Dialogue processes. We define National Dialogues as “nationally-owned political processes aimed at generating consensus among a broad range of national stakeholders in times of deep political crisis, in post-war situations or during far-reaching political transitions”. They enable a process-oriented dialogue among an inclusive group of representatives from various segments of society, and strive to achieve consensus-based decision-making. The timeframe of National Dialogues varies widely, from national conferences lasting a few days, to sustained and multi-level processes over several years.

Despite their promising features and potential benefits for inter-elite crisis management or inclusive structural reform, National Dialogues have also been critically reviewed and challenged for their limitations, especially when used by contested governments to (re-) assert their power and legitimacy, or due to their poor track record on implementation. Furthermore, there are still many knowledge gaps when it comes to various substantive and procedural issues in National Dialogues. In our own engagement and interactions with conflict parties and stakeholders involved in or considering National Dialogue processes, we have observed their keen interest in learning from peers and experts from other contexts on how to best integrate certain topics in the design of National Dialogues, or how to meaningfully include specific societal groups.

In response to these identified gaps and practical requests, this paper series compiles lessons learned and recommendations on four cross-cutting issues (overlapping with the Berghof Foundation’s *Strategic Priorities for 2022-25*): dealing with the past and transitional justice; climate change; digitalisation; and protest movements. Additional nexus areas may be explored in forthcoming papers. The series aims to systematise knowledge and experience of these nexus areas, which are generally under-explored; to illustrate them through various examples where National Dialogue processes have taken place; and to provide pointers for practitioners, to help them tailor strategies of external support and local engagement. The papers do not provide easy or definitive answers, but outline open questions, dilemmas and options to foster a constructive exchange in theory and practice.

These papers are written by recognised experts in their respective fields, drawing on their own previous research and personal experiences, in addition to secondary sources and (when possible) a small sample of interviews with key informants. Each study was also guided by a dedicated Advisory Group, formed by five to seven Berghof colleagues, peer-practitioners from other peacebuilding organisations, thematic experts and National Dialogue stakeholders (e.g. former delegates). The groups were convened twice, to inform the design and peer-review the drafting of the papers; we are deeply grateful for their contributions.

These studies will hopefully appeal to a broad readership. Readers who are expert or interested in National Dialogues will find inspiration on ways to integrate the nexus areas covered by the series, while thematic experts in the fields of transitional justice, protest movements, climate change, and digitalisation will gain new insights into the relevance and added value of National Dialogue processes as an inclusive format for multi-stakeholder consultation, consensus-building and decision-making.

For further information on the series, please contact:

Dr. Véronique Dudouet

v.dudouet@berghof-foundation.org

Linda Maurer

l.maurer@berghof-foundation.org





1. Introduction

National Dialogue and Transitional Justice/Dealing with the Past¹ are seen as decisive elements of processes of transition from autocracy and/or violent conflict to – ideally – new political set-ups and social relationship-building that allow social and political conflicts and injustices to be dealt with by nonviolent means. So far, however, they have rarely if ever been applied jointly in the same situation. Thus, this paper is first and foremost exploratory in character. It examines the relationship between National Dialogues and Transitional Justice in order to reach a clearer understanding of the cross-cutting linkages – the nexus – between them and their potential to reinforce each one’s eventually transformative aims. It is offered as an initial exploration of this nexus in order to stimulate thinking and action. It will identify areas for further examination as well as potential ways to improve practice. It will do so by considering just a few dimensions of their actual and potential complementarity rather than offering a full review of the two concepts and related methodologies. Where possible, insights from practice will be used, despite the relative scarcity of practical experience at this intersection, in order to illustrate points for further exploration and more profound case studies that may highlight possibilities for moving forward.

The paper has four parts: Following this introduction, **Section 2** provides a brief overview of the conceptual foundation for Transitional Justice and National Dialogues. **Section 3** will look more closely at the shared characteristics and complementarities between the two approaches and **Section 4** offers a short review of the potential and challenges of integrating Transitional Justice and National Dialogues. Finally, **Section 5** draws some tentative conclusions and proposes some questions for further exploration for linking the two fields with a view to their mutual reinforcement and complementarity.

1 ‘Transitional Justice’ and ‘Dealing with the Past’ are often applied synonymously for processes under review in this paper, with only slight differences. As ‘Transitional Justice’ is the internationally most widely used term, we have opted to use it here. For more details, see Section 2 below.

2. Conceptual Foundations: National Dialogues and Transitional Justice

2.1. National Dialogues

National Dialogues have emerged from an increasing desire for inclusion and participation in decision-making, in parallel with growing pressure for non-external, national ownership of a peacemaking process after war and violence or a political process in contexts of socio-political crises. They represent a shift from elite deal-making towards inclusive and participatory processes. As defined in the preface, National Dialogues are characterised by their use of dialogue as a tool in complex change processes, by a broader range of both stakeholders and issues, and by their goal of consensus (rather than compromise-based negotiation or adversarial debate). Following this definition, the ‘broad range of national stakeholders’ includes the main parties to the conflict as well as other relevant social and political groups. However, in practice, National Dialogues rarely come alone but are combined with other methods and processes, most notably negotiation and mediation, depending on the requirements of the situation (Berghof Foundation 2017: 26-27). Other definitions take into account these kinds of processes as well as the different groups involved: “National Dialogue is (...) 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 (...) 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” (Paffenholz et al. 2017: 13).

Applied in times of crises and political transitions, a National Dialogue is often aimed at constitutional or political reform, sometimes combined with a

new nation-building vision. Other important goals may be vertical and horizontal relationship- and trust-building that may allow the development of a new social contract – between state, society and political actors (Paffenholz 2017: 22). National Dialogues become all the more challenging when they are put in place in or after situations of war and violence as these affect the social, political and economic set-up much more deeply and have far more consequences for society.

In other words, National Dialogues may focus on a narrow set of specific or substantive objectives or on broad-based change processes, which may entail developing a (new) political and/or societal system. Summarising this broad range of goals, the Berghof Foundation proposes two main types of National Dialogue according to the function they seek to fulfil: “National Dialogues as mechanisms for crisis prevention and management”, which are considered a “shorter-term endeavour” and take on a smaller form with a limited mandate; and “National Dialogues as mechanisms for fundamental change”, which take place on a longer-term trajectory for major transitions and involve more far-reaching institutional and social changes with greater complexity. As National Dialogues processes may develop over time, however, the distinction should be understood as a fluid one: a process may start out as a “crisis management mechanism” and develop into one for more fundamental change depending on the situation and actors involved (Berghof Foundation 2017: 21-23).

Examples of different forms of National Dialogue that come to mind are the national conferences which took place in many Central and West African countries in the 1990s and in which democratisation was one of the central issues and constitution-building one of the stated objectives.

Other examples are National Dialogue processes in the wake of the Arab Spring in the early 2010s (cf. Paffenholz 2017: 16). In fact, National Dialogues are not new, nor are they confined to non-European countries and regions.²

In any given context, each approach will have its own forms, procedures and particular combination of methods and mechanisms depending on the specific conditions and goals set. However, a number of characteristics may be identified which should be kept in mind for any National Dialogue process (Berghof Foundation 2017: 23-29):

- ≡ National Dialogues include, by definition, Track 1 actors, i.e. top leadership from the relevant groups, while they remain open to participation of stakeholders from all tracks. They thus connect different layers – or tracks – of society;
- ≡ they are self-organised and self-facilitated processes by national actors; external, international actors should be involved at national actors’ discretion;
- ≡ they are broad-based, participatory processes – on a much broader scale than is the case for mediation, for example;
- ≡ they are process-oriented in the sense that they prioritise consensus-based decision-making, putting dialogue and trust-building at the centre of the process in order to arrive at (tangible) outcomes – the underlying assumption being that consensus orientation helps prepare the ground for changing relationships, more collaborative engagement and mutual respect;

≡ National Dialogues pass through three successive phases: preparation, process and implementation. Together, they form the ‘National Dialogue Framework’, with each framework having a unique structure tailored to context-specific needs and the aims of each dialogue. Again, each phase has to respond to a core set of functions, e.g. preparing the process, overseeing it, providing technical support, facilitating broad-based/representative decision-making and generating thematic input (for which working groups and subcommittees may be formed). A number of mechanisms and bodies may be constituted as a National Dialogue support structure to ensure broad decision-making based on dialogue and consensus and increase the trust that is at the heart of the overall process.

In a comparative analysis of 17 cases of National Dialogues held between 1990 and 2014, Paffenholz et al. present a number of key findings that attest to the challenges to be met for successful National Dialogues (Paffenholz 2017: 8):

- ≡ Implementation is the biggest challenge: while most National Dialogues reached an agreement, only half of these agreements were implemented;
- ≡ Transformative potential at risk: 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;
- ≡ Ensuring representativeness and legitimacy: procedures for preparing, conducting and implementing National Dialogues, in particular selection and decision-making rules, play a decisive role;

² Thus, the American constitution-making process of 1787 may be considered a form of National Dialogue as it included representatives of all states in the endeavour to form a new nation. Similarly, the round table negotiations in Eastern and Central Europe in the 1980s may qualify as National Dialogues that facilitated political reforms, the first being set up in Poland in 1988-89 (Paffenholz et al. 2017: 15-17; Berghof Foundation 2017: 19, 282-287, Country Fact Sheet ‘Poland’). Since the 1990s, there have been regional processes in Germany (‘Regionale’) and across country borders (‘Euregionale’) in which a wide range of individuals and civil society actors have been involved in working on proposals for the development of their respective cities and regions (Ministerium für Heimat, Kommunales, Bau und Digitalisierung des Landes Nordrhein-Westfalen, 2024).

- ≡ National Dialogues may be most successful in the short term and notably in cases of mass protest, where they have been able to reduce violence by transferring grievances from the streets into formalised processes;
- ≡ In cases with ongoing violence, National Dialogue outcomes are sometimes constrained, but no clear pattern was found in the analysis.
- ≡ be 'owned' by the main stakeholders,
- ≡ have legitimacy in the eyes of their constituent base and the wider society,
- ≡ unfold within a process that is able to help balance power asymmetries so as to enable collective engagement in generating mutually agreed outcomes,

At the same time, Paffenholz et al. identified six political context factors and six process factors that influence the outcomes of National Dialogues – what “makes or breaks” them (Paffenholz 2017: 10-12). While violence is one of these political context factors, the single most important context factor, according to Paffenholz et al., is “[n]ational elites’ resistance or support” (Paffenholz 2017: 9-10). This leads back to the Berghof Foundation’s distinction between National Dialogues as mechanisms for crisis prevention and management and mechanisms for fundamental change and the observation that in asymmetrical conflicts in particular, the elites may prefer the former whereas the opposition groups may opt for fundamental change (Berghof Foundation 2017: 22-23).

Picking up on challenges that arise when National Dialogues are to contribute to fundamental societal change, Barnes (2017) looks more closely into the qualities of four factors: ownership, inclusivity, legitimacy and power dynamics. According to Barnes, these four elements have to be brought together in systemic interactions to be effective in achieving the transformative goal of National Dialogues. And she continues: “*Inclusivity* can be the enabling factor (...) if it becomes a pathway towards a sense of shared *ownership* of the process and increases the likelihood that the outcomes are broadly perceived as *legitimate* within the cross-sections of society that have been divided by conflict. *Exclusion* tends to *reinforce existing power asymmetries* (...)” (Barnes 2017: 9, emphasis added). For the transformative potential of National Dialogue processes to be realised, they must

- ≡ include those groups affected by the issues addressed,

- ≡ result in agreements leading to outcomes that make a substantial difference in the lives of the different constituent groups in society (Barnes 2017: 8-9).

Barnes warns against an understanding and practice of National Dialogues that may fall prey to the ‘liberal peace’ paradigm for which international engagement in mainstream peacebuilding has been criticised. It “conflates peace with the fabrication of secure and stable neoliberal states” and “tend[s] to privilege the goals of international actors, often excluding the needs, goals and norms of local actors” (Barnes 2017: 13-14). In a way, this corresponds to the short-term, elite-driven ‘conflict management’ goal of National Dialogues at the expense of their transformative agenda (see above).

In order to support the transformative goal of National Dialogues, Barnes suggests moving from “technocratic fixes to adaptive action” (Barnes 2017: 38). Essential ingredients for such processes would include self-organisation, relationship orientation, and an intersecting set of multi-focal and multi-level initiatives working in concert to enable a transitional period. For Barnes, “[a]daptive action is based on responding creatively to changing contexts and unpredictable circumstances” instead of using standardised toolkits focusing on goals while neglecting the requirements of a transformative process to develop this outcome (Barnes 2017: 38-40).

Barnes also suggests taking a closer look at context and doing a thorough assessment of the extent to which dialogue may be advisable at all, one strong argument against its use being “a significant imbalance of power”. Here, co-optation by the more powerful group in the process may be a real

risk. However, it is equally important to consider how and where to launch such a dialogue process under difficult circumstances (Barnes 2017: 39).

2.2. Transitional Justice

While the concept of National Dialogue may deal with a broad range of cases or forms of violent or nonviolent crises, ‘Transitional Justice’ is closely linked to experiences of (long periods of) war, (mass) violence, repression and dictatorship. In these contexts, the past remains a vital part of the present in all areas of social, political and economic life. Many have to live with experiences of loss, trauma and a deep sense of overall insecurity that do not allow them to participate fully in everyday life. Social relations have been seriously affected as killings and acts of repression may have taken place within communities, even families; the value system has been inverted with enemy images still in the hearts and minds of people and group identities having become more entrenched than ever, each with their own version of their lived experience; trust in political institutions has been lost as they have proven to be unable to protect their citizens, or their incumbents have been part of the system of repression and atrocities – some of them even remaining in power afterwards. Often, violence continues in some parts of the country and domestic abuse and crime may be on the rise as a consequence of the violence previously experienced and perpetrated. Under these circumstances, efforts at peacebuilding and development may be futile if past experiences are not taken into account. Transitional Justice is supposed to do this.

In its internationally most widely used definition given in the UN Secretary-General’s 2004 report *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*,³ Transitional Justice comprises: “(...) the full range of *processes* and *mechanisms* associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof” (UNSC 2004: 4, emphasis added).

It takes into consideration that the formulation of the legacies of past violence exclusively in legal terms as ‘serious human rights violations’ is inadequate as judicial systems weakened by war, violence or dictatorship are unable to respond meaningfully to the injustices and atrocities suffered. Furthermore, judicial systems usually focus on perpetrators while victims are only seen as witnesses at trials without possibilities of expressing other aspects of their suffering.⁴

The concept of transitional justice is based on the Joinet/Orentlicher Principles, which were formulated in the late 1990s to strengthen the rights of victims, taking up some of their central concerns in (post-)war contexts and situations of violence and repression, namely: the right to know, the right to justice, the right to reparations, and the guarantee of non-recurrence. These may be implemented via a number of mechanisms which may take on different forms depending on the particular situation. They thus allow scope for being adaptive to different social, cultural and political conditions and situations of violence. These rights and their corresponding mechanisms may be envisioned as each forming a part or a field in an overall interconnected, holistic and

³ For a recent comprehensive understanding of Transitional Justice as promoted by the United Nations, see United Nations Secretary-General 2023.

⁴ The history of the field is of course more complex and long-standing than this and it may be worthwhile to take a closer look at these developments for a better understanding of how to move forward in combination with other approaches; cf. Encarnación 2024, Teitel 2003.

normative conceptual framework for dealing with past atrocities and suffering⁵: The overall aim is to contribute to conflict transformation, the establishment of the rule of law and reconciliation being important parts. The different initiatives to deal with past atrocities take place on the national level, but there are also regional or community-based forms, again depending on the situation.

Victims *and* perpetrators have a central place in this framework. The needs of the victims should have utmost priority in all this while perpetrators are considered an important key to the overall process (acknowledging deeds, taking responsibility, showing remorse, etc.). In the long run, and ideally as the process towards the overall goal of conflict transformation proceeds, the two groups will no longer identify primarily as victims or perpetrators but see themselves as citizens of a state which can guarantee non-repetition and the rule of law and makes possible new relations among its citizens ('reconciliation').⁶

As in National Dialogues, different actors on different levels/tracks have to be involved over time: the four fields of rights in the concept are mirrored by four duties of the state. The state has a responsibility to ensure the process and – importantly – its implementation. However, civil society and various social groups also play a crucial role in initiating, organising and following up on processes, holding the state accountable and preventing 'elite capture', which is an imminent risk. This is all the more important in situations in which state institutions are weak. At what point in time the different fields/rights, levels, actors, etc. become relevant will depend on the context.⁷

Of course, again, as with National Dialogues (and with most peacebuilding approaches), there is no 'one size fits all' solution, but there are certain elements that should always be considered:

- ≡ Initial conflict-sensitive analyses must be carried out to ensure an accurately contextualised process. Depending on cultural, social and economic factors, the conflict's history and particular forms of violence, and its causes, actors and groups affected by violence and injustice, the emphasis between fields may shift, who is initiating and who is involved may vary and the processes to set up mechanisms/measures must be sensitively and appropriately fitted to context;
- ≡ It is important that all fields/four rights or principles are considered. Implementing one alone is not enough to deal with all the key issues arising from a violence-ridden past;
- ≡ The timing, sequencing and linking of interventions in the different fields on different levels and by different groups of actors are important and should be carefully considered;
- ≡ Maintaining the process is key; this means not only observing processes for one particular field or one particular group of actors but maintaining the overview, linking fields, groups and levels and ensuring that recommendations are implemented;
- ≡ The question of mandate is vital: Which time periods and which crimes should be considered? By which measure(s)? Which actors should be involved? What will a particular choice of measures mean for victims/perpetrators respectively as well as for their relationship?

5 The conceptual framework used here was elaborated by DFAE/swisspeace under the heading 'Dealing with the Past', with a focus on the long-term process that this may imply. As their understanding of 'Dealing with the Past' (cf. swisspeace 2016: 5) squares with the UNSG's definition given above, we use it here under the title of 'Transitional Justice' – keeping in mind the importance of long-term orientation.

6 However, as with so many concepts in the field, that of the 'victim/survivor' is not only central but also highly contested as to what it entails and what may be the consequences for Transitional Justice processes, not least with respect to the qualities of inclusivity, ownership and legitimacy, which are important for National Dialogues as well (cf. González 2022b)

7 Fanie du Toit uses the image of a rope consisting of intertwined threads for Transitional Justice processes rather than that of fields to be worked on one at a time (cf. Du Toit 2024).

Transitional Justice



Transitional Justice – what’s in a name?

‘Transitional Justice’ is the name for mechanisms or measures to deal with large-scale abuses of the past, as well as for the process(es) to set up, implement and follow up these mechanisms. It also refers to the overall process that seeks to link mechanisms from different fields with different actors on different levels in order to contribute to the overall goal of conflict transformation and reconciliation. The latter is sometimes also referred to as ‘dealing with the past’, certainly where processes are long-term (sometimes intergenerational), more diffuse and do not follow a blueprint (see above, fn. 5).

Even though the holistic understanding of Transitional Justice in terms of contributing to a transformation of conflicts has been widely accepted, a more single-mechanism orientation can be observed in practice, often with a focus on judicial justice and less oriented towards processes that consider the complexities and different needs in conflict and post-conflict situations. Here, ‘Transitional Justice’ has taken on the meaning of single measures executed by single institutions rather than a holistic, process-oriented approach. This seems to be in parallel to the two different objectives of National Dialogues, the short- and long-term goals corresponding to the ‘conflict management’ and ‘transformative’ objectives, respectively.

“We need not just a good commission, we need an on-going process.”

Marie Wilson, Commissioner of the Truth and Reconciliation Commission of Canada, 2009 – 2015

Process is as important here as it is for National Dialogues. It refers to the stepwise procedure of setting up, implementing and following up of different mechanisms in one field (a truth commission, a trial, institutional reform ...) as well as to the linking/intertwining of mechanisms in different fields with a view to contributing to the overall goal of conflict transformation. So far, procedures have not been spelled out systematically for Transitional Justice processes; here, however, it seems important to consider the factors that have already been identified for National Dialogues: inclusivity, ownership, legitimacy and dealing with power imbalances. Some initial proposals exist

and more are being added (see below, Section 3.1, pp. 11-12).

In fact, behind the above questions of mandate, set-up, combination of measures from the different fields and maintaining the process, there is the (political) question of what the objective of a Transitional Justice process should be: should it include dealing with the roots of a conflict (and related socio-economic questions) or stay focused on the consequences of the (mass) violence and war crimes and ‘only’ deal with its symptoms (very often the violations of political and civil rights or international law)? Again, this raises the question of scope: short-term or long-term? Conflict management or conflict transformation?

This brings us to some challenges for Transitional Justice processes:

- ≡ like National Dialogues, Transitional Justice is first and foremost a political process with different groups pursuing different interests;
- ≡ the different fields/principles or rights may complement each other, but they may also reinforce conflicts and conflict lines: the revealing of the truth and the establishment of justice do not automatically lead to a (re-)building of trust or a renewal of social relations, nor do they necessarily create a culture of inclusive memory or promote peace and reconciliation;
- ≡ very often, after peace accords have been signed, there may be a firm consensus to avoid talking about what happened in the past and a reluctance to initiate trials so as not to jeopardise the hard-won peace.

3. National Dialogues and Transitional Justice Processes – Shared Characteristics and Complementarities

As mentioned in the introduction, there are currently no practical examples of cases in which National Dialogue and Transitional Justice have been brought together explicitly and systematically. Therefore, what follows is a conceptual exploration that draws from the authors' own experience and is complemented by discussions held during two expert focus group meetings with a dedicated Advisory Group (whose outputs are referenced in the text as 'AG discussion'), which may provide starting points for further research and practice.

Based on these definitions and conceptual deliberations on National Dialogue and Transitional Justice, we can identify some important shared characteristics, which may shape and energise the nexus between them: where they may be combined, where complementarity between them may reinforce each process by using elements of the other, and where each may contribute to dealing with challenges arising in the other context. In short, where may commonalities or complementarities be able to create a joint endeavour to address the same social and political challenges, bringing in different but mutually beneficial resources and solutions?

We will look first at some of the shared characteristics and then explore elements and processes that may complement, combine and reinforce.

3.1. Shared characteristics

Goals: Both National Dialogue and Transitional Justice take conflict transformation as their overall

goal; in both cases, this includes working on the root causes of violent conflicts. Both aim to improve and restore inter-party relations ('reconciliation') and renew the social contract on the basis of the formulation of a new common good (e.g. rule of law). While National Dialogue processes are based around dialogue, negotiation and/or mediation and aim to contribute to conflict resolution and prevention as their immediate goal, Transitional Justice focuses more particularly on 'dealing with the most salient issues of the past' without which transformation of conflicts does not seem to be possible.

Actors and levels of intervention: As indicated above, both approaches demand the agency of the state. In both cases, the state is usually considered to be the main facilitator and guarantor of the process: by providing the legal bases and the frameworks for institutional reform that may enable the envisioned (conflict) transformation, by taking responsibility for bringing to account those who have been implicated in organising or committing atrocities, and by implementing the agreed measures to guarantee non-recurrence (in the case of Transitional Justice) or the decisions/measures agreed on (in National Dialogues).

However, in both kinds of approaches, civil society actors are just as important. Very often, it is these actors who initiate or advocate/exert pressure for measures that may lead to or become part of National Dialogue or Transitional Justice processes.⁸ Thus, both kinds of processes depend on a broad range of actors on all tracks, including,

⁸ For Transitional Justice, an example is the initiative by a group of teachers who examined the fate of forced labourers in Nazi

most importantly, those that are most affected by the processes and those who are part of the elite and therefore ultimately responsible for implementing their outcomes.

Key qualities – Inclusivity, ownership, legitimacy, power dynamics: Although not systematically spelled out for Transitional Justice processes, these key elements are just as important for them as they are for National Dialogue processes – and, indeed, for all peacebuilding or development processes, particularly when they also aim to achieve broader transformative goals. But as much as these elements are values to guide Transitional Justice processes, they seem to be more systematically anchored as procedural elements of National Dialogue processes, even though their application may still be a challenge.⁹ This, it seems, may be one of the ‘crossroads’ where Transitional Justice processes intersect with National Dialogue.

Step-by-step processes for National Dialogues – and for Transitional Justice? At this point, it is helpful to take a closer look at both approaches in procedural terms. National Dialogues have developed into a systematic approach not only guided by the key qualities mentioned above, but also characterised by a number of elements to be taken into consideration. Together, they lead to a step-by-step procedure with different phases (from preparation to process to implementation), each structured according to local conditions and the needs of the different social groups involved. While Transitional Justice processes ideally operate according to the same principles, their procedures are (in theory and certainly in practice) less

elaborate. They seem, in fact, more determined by the procedural requirements of their respective fields or mechanisms (trials, truth commissions, etc.) than by the needs and goals of an overall process. However, Schernbeck and Vimalarajah (2017) have presented a “strategic framework” for negotiating Transitional Justice¹⁰ that may be inspiring here: it brings together negotiations and Transitional Justice, if not National Dialogues.¹¹ They propose a three-step “negotiation process” consisting of:

- ≡ Foundation: trust-building and informal dialogue with key parties to the conflict;
- ≡ Consultation: informal dialogue and consultations with societal stakeholders and 3rd parties to establish support frameworks;
- ≡ Negotiation: negotiating and establishing a shared understanding and working consensus for a Transitional Justice roadmap (Schernbeck and Vimalarajah 2017: 9).

This may be preceded by an internal process using an “incremental approach to developing a joint understanding of justice”, also consisting of three steps:

- ≡ Internal fact-finding and needs assessment;
- ≡ Internal negotiation of Transitional Justice objectives;
- ≡ Joint understanding and strategy of Transitional Justice (Schernbeck and Vimalarajah 2017: 9).

Germany and worked with survivors, ultimately establishing the basis for the payment of reparations to forced labourers. As a further example, the popular uprisings of the Arab Spring laid the ground for National Dialogues in some of the countries concerned.

9 More recently ‘participation’ has been more explicitly called for in Transitional Justice – which could obviously link to the other key qualities mentioned above; cf. Robins and Brankovic (2024, forthcoming).

10 The framework was developed during the 9th Meeting on Negotiations for Resistance and Liberation Movements (RLMs) in Transition hosted by the Berghof Foundation in October 2017.

11 In fact, Bleeker in swisspeace (2004) had already proposed three “phases in transition” which place Transitional Justice in an overall transition process. Her third phase is more directly related to Transitional Justice (called ‘Dealing with the Past’ here; see above) and proposes steps similar to those developed by Schernbeck and Vimalarajah (2017). A closer look at Bleeker’s proposition may offer some inspiration as to how make Transitional Justice more process-oriented in practice with the overall goal of ‘transformation’. More recently, Robins and Brankovic (2024, forthcoming) have very much insisted on processes and how to mainstream participation in them.

Through this step-by-step approach and the efforts to give space to local needs and conditions and to take into account certain basic principles of negotiations – and dialogue formats, for that matter – procedural similarities may be identified that would appear to offer potential for linkages between National Dialogue and Transitional Justice processes. Further research is needed here, focusing particularly on the extent to which National Dialogue proceedings may, in practice, facilitate Transitional Justice processes. In this case, Transitional Justice processes may benefit from the more refined procedural approaches that have already been developed and tried out for National Dialogues (for their successes and failures, see Berghof Foundation 2017, particularly the country fact sheets, pp. 193-311).

3.2. Complementary characteristics

Substantive issues: If we look at issues that are dealt with by National Dialogues and Transitional Justice respectively, we find complementarity between the two approaches: as already noted, National Dialogues are used to facilitate peacemaking, re-establishing social relationships, political reform or constitution-making (see above), while Transitional Justice processes deal with the four fields of justice and truth-seeking, reparations and guarantees of non-recurrence of atrocities in order to overcome legacies of past abuse and violence. Both strands, taken together, are important for overall peacemaking and its sustainability.

Forms of communication: Both approaches – ideally – employ dialogical forms of communication. In National Dialogues, dialogical communication is the key approach, as the name suggests; likewise, in Transitional Justice processes, the non-judicial fields may be open to more dialogical forms of communication, whereas judicial or other more institutionally rooted mechanisms are certainly not or less so. In trials, the forms of communication are rigid: legal processes are essentially non-dialogical but follow a more formalised pattern. There is no ‘story-telling’; on the contrary, only certain parts of a ‘story’ are considered relevant in legal proceedings.

This very often leads to profound frustration on the part of victims/survivors and (alleged) perpetrators alike as they feel that essential elements of what happened, including aspects that are important to them, are not included. In fact, one criticism levelled at Transitional Justice is that the rigid judicial form of communication is taking over even non-judicial mechanisms like truth commissions and judicial thinking is overwhelmingly present in Transitional Justice processes (cf. Bloomfield 2016: 46, 47). Dialogical approaches, however, seem to be important in order to achieve the overall transformative goals of both processes. In this endeavour, it is important to follow an inclusive path, owned and legitimised by different groups in a society not stricken by deeply entrenched power imbalances. This complementarity may thus provide another interesting point of intersection between the two approaches.

More similarities and complementarities may be identified when looking more closely at both kinds of processes. However, in view of the explorative character of this paper, those described above may be sufficient as a trigger for further research. Therefore, we now move to the question of the potential for and challenges of integrating the two approaches.

4. Integrating Transitional Justice and National Dialogue: Potential and Challenges

4.1. Potential

The two approaches may be integrated in two ways: By introducing key aspects of Transitional Justice into a National Dialogue process; or, conversely, by introducing elements of a National Dialogue into a Transitional Justice process.

Relevant questions include the following: How and to what extent can a National Dialogue process address Transitional Justice issues and vice versa? To what extent may Transitional Justice processes be supported by National Dialogue? Which benefits would this offer for both processes? Which challenges might arise? In both cases, it is helpful to look at the different stages of each process: the preparation phase (who/what is included?), the process (how is it set up? How are outcomes/results more widely publicised?) and implementation.

4.1.1. National Dialogue for Transitional Justice

Transitional Justice as an *outcome* of National Dialogues

One of the outcomes of National Dialogues may be the decision to engage in a Transitional Justice process as part of the larger transition (Berghof Foundation 2017: 144). According to the Berghof Foundation, this sequencing of the two approaches seems to be as far as the relationship between them goes: “Redress of past crimes and injustices can be initiated through National Dialogues (...), but it does not usually take place within the National Dialogue itself” (Berghof Foundation 2017: 146).

Nepal and Kenya set up their Truth and Reconciliation Commissions as a result of their National Dialogue processes (Berghof Foundation 2017: 146).

Tunisia is another example in which a National Dialogue seems to have resulted in a holistic Transitional Justice process. However, the latter proved difficult to handle due to the limited local institutional capacities (Salehi 2022).

National Dialogue to support aspects of Transitional Justice

Barnes, on the other hand, seems to imply that National Dialogues – while not replacing Transitional Justice processes – may step in in their absence, prepare the ground for them and contribute to more social cohesion: “In the absence of restorative transitional justice processes, (...) [d]ialogic engagement that helps to create the basis for new narrative frames – and shared action based upon them – can assist in transforming this dynamic and generate the basis for more cohesive states” (Barnes 2017: 7).

This may become particularly important when the state lacks the institutional capacities to take on and develop any of the Transitional Justice measures or when issues at the national level are so (politically) contested that decision-making becomes challenging: National Dialogues may then be initiated on Track 2 and/or Track 3 instead, where they may deal with *aspects* or questions of truth, justice (certainly in the sense of restorative justice), reparations and guarantees of non-recurrence and thus lay the ground for further

provisions using *aspects* of dialogic engagement. But it may also become important when the judicial and the non-judicial forms of Transitional Justice measures should be linked – not least to ensure implementation.

In **Rwanda and Burundi**, at various points in time and in different regions of each country, Transitional Justice issues were taken up by local church and civil society initiatives, sometimes in collaboration with international peacebuilding organisations: truth-finding, acknowledgment, possibilities for reparations and relationship-building were at the heart of these initiatives. Some of them tackled difficult questions such as how to deal with so-called ‘small-scale perpetrators’ who had ‘only’ betrayed people’s hiding places and who continued to live in their communities. For the survivors, these people were central to the killings – without their betrayal, their loved ones would not have been killed. Other initiatives such as radio phone-ins in Burundi had seemingly simpler goals, such as sensitising listeners to dealing with narratives of the past by using unambiguous topics drawn from everyday life in history (and not Burundi’s contested conflict history). One of the series was called “If I remember correctly ...”. Some of these initiatives were thus able, slowly and not always surely, to take further steps towards creating a basis for mending social relations and living together again.

At the same time, other processes took place on the national level (e.g. establishing the TRC in Burundi and the gacaca processes in Rwanda). As initiatives on the different tracks developed, civil society representatives reached out to representatives from Track 1 and lobbied them to take into account their experiences and approaches at the national level (always treading a fine line between ‘cooperation’ and ‘co-optation’, i.e. the risk of state capture).

National Dialogue processes set the scene for Transitional Justice processes

Closely linked to the last point but covering slightly different aspects: National Dialogue settings may offer scope for directly advancing the aims and the four fields of Transitional Justice. They may be

used, again on the different tracks, to establish facts and to shape an agenda for setting up appropriate Transitional Justice processes at a later stage, e.g. to discuss and define the dimensions and needs of justice (retributive, restorative and redistributive), spelling out the relationship between the fields in the process and their respective forms, mandate, timing and actors involved.

Central to this is the victim/survivor–perpetrator relationship as a centrepiece of Transitional Justice processes (see above). This is treated very differently by mechanisms in the four fields and is a highly sensitive issue. Dialogical elements may be helpful in getting clarity about these issues for the Transitional Justice process.

Another central point is the inclusion of the key elements of ownership, inclusivity, legitimacy and balancing power asymmetries – and for that matter, participation (cf. fn. 12 above). As indicated above, these may be supported and reinforced in Transitional Justice processes through a dialogical approach. It may be particularly important in cases where the state is weak and limited in its capacity and legitimacy as a leader of such processes (or has never been fully developed and legitimised). The questions of participation, ownership, inclusivity, legitimacy-building and the balancing of power asymmetries may be dealt with in a step-by-step process that takes into consideration the conditions and constellations as the process develops. Trust and participation, legitimacy and ‘empowerment’ of both state and civil society actors to enter into a dialogue, interact, find solutions, compromise, etc. are important elements that link both kinds of processes.

The following examples may be helpful in identifying avenues for further research into the potential for introducing elements of National Dialogues into Transitional Justice processes:

In the Bangsamoro peace process in the **Philippines** (2014-16), an initial series of dialogues was carried out as a listening process by the Transitional Justice and Reconciliation Commission to determine its approach to Transitional Justice. The existing Peace Agreement had formally

acknowledged grievances and mandated a Commission under shared control. The public was therefore consulted for more details of these past injustices and the results were worked into the Commission's framework, which fleshed out its initiatives and suggested further ways to address victim/survivor-centred processes (TJRC 2016).

In **South Sudan** (2012-14), the first phase of the work of the Committee for National Healing, Peace and Reconciliation involved training facilitators who visited local communities to record victims'/survivors' experiences and to consult them on their suggestions for the proposed national reconciliation process (POF 2020). Some years later (2019-20), the government sponsored a National Dialogue comprising a series of consultations with local communities and interest groups (including diasporas) around the question 'What is wrong with our society, and what are the solutions?' The results were intended to form the agenda of a national-level dialogue to develop a strategy for Transitional Justice, although this was overtaken by political and security crises (POF 2020).

In **Mali** (2017), a Conference of National Understanding held local consultations around the country, from which representatives then joined a week-long round table in the capital. One outcome of the dialogue was a (contested) Charter for Peace, Unity and National Reconciliation (Sy, Dakouo and Traoré 2018).

In **Tunisia** (2012), a wide and exhaustive consultation preceded a National Dialogue on Transitional Justice. The process was very new to the country and proved very complex and technical (partly due to its external design). The resulting (democratically elected) Truth Commission (2013) received an optimistic welcome from the public at first, especially for its public hearings, but was hampered by long procedural discussions that took up most of its term, and a rushed attempt to complete its task led to general disappointment (AG discussion, Truth and Dignity Commission, 2019).

4.1.2. Transitional Justice for National Dialogues

As for the question whether or not National Dialogues may also benefit from being combined with Transitional Justice processes, this would almost seem a 'natural outcome': after all, how would dialogue, trust-building and the re-establishment of social relations be possible without taking into consideration at least some legacies of a violent past? Would the inclusion of certain elements of Transitional Justice at some points in National Dialogues be helpful? Or are the risks too high that dialogue processes may become even more politicised by introducing the more emotional and yet more political issues of Transitional Justice, even if carefully selected and negotiated? The question of amnesties, which invariably arises in Transitional Justice processes, may add extra challenges here (cf. Berghof Foundation 2017: 147).

Attempting to incorporate Transitional Justice *measures*, such as judicial processes, truth commissions, reparations or any of the lustration or institutional reform processes that form the guarantees of non-recurrence, into a National Dialogue may seem audacious and appear to add stress to a dialogue process rather than bringing it forward.

The approach introduced above may therefore be helpful here: it may be preferable to focus on *aspects* such as different needs for and visions of justice, truth, reparations and guarantees of non-recurrence rather than on the fully-fledged mechanisms of Transitional Justice in National Dialogues. It may thus be possible to address certain issues relating to past atrocities and their root causes with a view to bringing National Dialogues forward. This is another point for further reflection and practical tests.

4.2. Challenges

Dialogue is not a self-evident approach ...

Depending on the structure of society in the given context, dialogical instruments or methods may not necessarily be a ‘natural’ starting point.

For **Cambodia**, for example, Soth Plai Ngarm and Emma Leslie observe that despite the manifold changes on the domestic political level, the Cambodian social system remained rigidly hierarchical: “dialogue did not exist and communication was one way: from the king [*or whoever was at the top in any particular period*; emphasis added] to his subjects” (Leslie and Soth Plai 2019: 60).

However, dialogical forms can be introduced into more hierarchical systems and may help establish a different way of communicating, as shown by an initiative involving Burundian civil society organisations and an international peacebuilding organisation. Together, they worked with prospective parliamentarians on more dialogical forms of debate. One member remarked on how eye-opening it was for him to see that politics – and conflict resolution, for that matter – can work this way rather than just through an openly adversarial approach among people with different opinions and interests.

... nor are participation, inclusivity, legitimacy and balancing power asymmetries

These values/qualities do not ‘automatically’ exist in any society, nor do they ‘vanish’ during periods of repression, war, violence and atrocities, simply to be retrieved afterwards.

Here again, the dialogical instruments and the step-by-step dialogical approach described above may be useful for testing other forms of communication that may help establish these qualities if they are considered essential under the conditions prevailing at the time.

Managing power imbalances

If one of the key goals of both Transitional Justice and National Dialogue is to contribute to the transformation of conflicts, society and politics, managing power imbalances on different levels becomes all the more important when both approaches are combined, as access to power and power imbalances are at the heart of almost all violent conflicts. However, addressing these issues is certainly one of the major challenges, if not the greatest challenge, for each of the approaches.

As already stated, Paffenholz et al. found in their study that the single most important context-related factor that “makes or breaks” National Dialogues is national “elites’ support for or resistance to” these processes and the extent to which they may be pro- or anti-change (see above). Similarly, in the context of Transitional Justice, it can be observed that processes that have already been decided on may be delayed by those in power so that they avoid being held accountable for the repressive measures and/or atrocities of the past.

In what way may a careful combination of the two approaches be helpful in addressing this challenge? An albeit cursory look at a few examples may provide some ideas for further research and testing out in practice:

The most contested issue often arising at this point in Transitional Justice processes are amnesties – the best-known example certainly being South Africa. May such processes be set up differently when National Dialogue in combination with Transitional Justice were used? At which point in time?¹²

Managing power differentials is crucial not only with respect to the powerful, but also – and just as much – with respect to those with least power, the most important here being victims/survivors.

In **Colombia**, various local-level or regional dialogues and consultations were held which

12 On the ambiguous position of amnesties in Transitional Justice for overall peace processes, see Fiedler and Mross 2019: 3; see also Schernbeck and Vimalarajah 2017: 6.

included victims/survivors and civil society members (AG discussion).

Also in **Colombia** – as in other countries – there are/have been (dialogical) initiatives which include those who have not been heard before in social and political processes and who are considered important if the overall transformation goal is to be achieved, e.g. members and especially young people from Black and Indigenous communities, as well as members of the LGBTQIA+ communities (Bickford 2020, González 2022a). Would this be an example of how the category of victims/survivors may be defined more widely compared with how it was considered before (see above)?

In the **Burundi** peace process (2015-21), where women in particular were at risk if they participated personally in a formal dialogue, a contact system was organised through local markets so that in this way, the women could input their positions and experiences into a dialogue that mainly took place in their absence (AG discussion).

By specifically including victims'/survivors' groups in a consultation within a National Dialogue process (South Sudan, 2019-20), it was possible to gather important information from this constituency, without direct interaction, at an early, sensitive stage.

Overloading

Clearly defining the remit of a Transitional Justice process is both highly complex and politically extremely sensitive: issues that must be addressed include the period of time covered, the geographical area, the nature of the enquiries, the types of violations considered, and the root causes and historical trajectory of the conflict. One of the political risks here is the one-sided imposition of a narrow scope of 'the past' where violations were mainly committed by one group, while those perpetrated by others are excluded. This may create the impression of 'victor's justice'. Another risk is that 'the past' may not be sufficiently well-defined

or covers such a long timeframe that it becomes difficult to manage within a single process.

Although not a National Dialogue per se, the TRC in **Kenya** (2009-2013) illustrates this well. The government gave the Commission such a wide timeframe (effectively from colonialism to the present) that its workload became unmanageable and, in the process, significant violations were overlooked due to the plethora of cases over a period of more than a century (Bloomfield 2020: 4).

In **Tunisia**, the 2014 National Dialogue was ultimately hampered by a very wide-ranging timeframe (from 1954 onwards) which included a highly diverse range of grievances and violations. This complex design was heavily influenced by international organisations with a technical remit and was poorly explained to the public, who later saw the process as a failure as it had been imposed from the top down (AG discussion).

In **Yemen** (2013-14) there was a lack of clarity about the scope of the Transitional Justice issues to be addressed within the National Dialogue process, which led to confusion about the subject matter of the National Dialogue: was it discussing past grievances, or root causes of conflict? During the process phase, discussions in the Working Group on Transitional Justice again became blocked due to lack of clarity over whether to discuss past grievances, regional conflict dynamics or the question of the future nature of the state (unitary state or federation of regions). Discussions were further hampered by the lack of clarity about when a Transitional Justice process would be initiated during a future political transition. Moreover, separate regional processes were working in parallel on grievances related to regional conflict issues and it was unclear how the elements 'inside' and 'outside' the National Dialogue would be linked within an overarching Dealing with the Past framework. No explanations or education were provided. While the lack of clearly predefined topics of discussion and their sequencing made it easier to start the dialogue, it hindered effective outcomes of discussions. Having terms and issues clearly

defined in the National Dialogues' preparation phase might have produced better outcomes in the longer run.

In the context of human rights abuses, violations of civil and political rights should always be included in the scope of the past to be dealt with. Their root causes, however, very often lie in the violations of economic, social and cultural rights (discrimination in employment policy, unfair distribution of resources, exclusion from political representation and decision-making, etc.). The argument is often that including the latter would mean overloading the process; however, leaving them out may mean omitting important steps in addressing the root causes.

The question is how to deal with this challenge, which is linked to each of the two approaches individually but also – and perhaps more so – to the combination of the two. Might a careful choice of instruments/methods from each approach be supportive of an overall process without threatening its legitimacy and/or undermining its outcomes because it becomes too confusing and unsatisfactory?

Security/ongoing violence

As Paffenholz et al. note in their study, violence is one of the six political context factors that “make or break” a dialogue, even though no clear patterns have been identified that show how it may constrain outcomes of National Dialogue processes (see above). And yet it has become common practice to start talking about Transitional Justice processes – and other peacebuilding initiatives – while violence is still ongoing. However, physical security is an important issue in both processes and certainly will be in any combination of the two.

Similarly, in **South Sudan**, the multi-level National Dialogue and the renegotiated peace agreement produced a substantial agenda for action, with the setting up of major new Transitional Justice mechanisms envisaged; however, the process stalled as insecurity and political instability worsened across the country (POF 2020).

Conversely, in the **Philippines** (2014), a multi-party dialogue was under way as violations and massacres continued; the response was to incorporate the issue of violence into the agenda, producing agreed security recommendations and measures to mitigate the violence (AG discussion).

Political will for change

“Political will” is an important factor determining whether a situation is ripe for “transformative dialogue” (Barnes 2017: 39). It is closely linked to the key element of “managing power imbalances” and, as shown, is relevant in both kinds of processes.

It is perhaps most important in the implementation stage – and may be the reason for its difficulties. Both kinds of processes, Transitional Justice and National Dialogues, are highly political; they are also highly sensitive in terms of perspectives, interests and expectations of the different actors involved, all of which have to be managed throughout the process in order for feasible and realistic outcomes to be achieved.

As mentioned previously, the hybrid (national/international) Truth Commission in **Kenya** (2009-2013) was undermined by being burdened with an extremely long historical timeframe, an impossibly broad range of violations to be examined, and a politically appointed chair. This resulted in two competing final reports, which met with widespread apathy among most of the population (AG discussion). This illustrates the risk of promising change during the process phase, but rowing back on implementation if there is no political will to take action – or the political will to undermine decisions taken is stronger.

Would the integrated application of a National Dialogue approach have been helpful to avoid the political implications of the process – or, on the contrary, would it have reinforced them, given that National Dialogues are equally politically charged? How can this double challenge be dealt with? Who should be involved? On which track and on which issue(s) should a process be started and then taken

forward? Would it make sense – along the lines suggested by Barnes and implied by the examples from Rwanda and Burundi given above – to start on Tracks 2 and 3 with local processes of social relationship-building/truth-finding/checking out ways of making reparations and then linking them up to the national level where processes may have started in other fields (institution-building ...)?

However, as mentioned above, ‘state capture’ is often a lingering threat and adds to the challenges to be dealt with.

5. Areas for Further Exploration

5.1. What do we know – and how can we use it?

So what do we know about the nexus between National Dialogues and Transitional Justice? It seems there are a number of points of intersection where there is scope for further research and practical exploration:

- ≡ Goals, relevant actors and the basic procedural approaches are shared elements. Where and, more precisely, how does this help to reinforce the approaches with respect to their overall goals?
- ≡ Transitional Justice may certainly benefit from the procedures developed for National Dialogue processes (cf. AG discussion: Transitional Justice processes use National Dialogue methodology); here, more detailed (action) research may provide additional insights into how one may benefit from the other and how combinations can be found that are realistic and do not overload their respective processes.
- ≡ The issues dealt with in each of the processes may be seen as complementary – more research is needed to show how this could be used in a holistic way in order to reinforce shared goals (transformation of conflicts, society and

politics); e.g. with a particular focus on the timing of when specific issues are introduced.

- ≡ The key qualities/elements of participation, inclusivity, ownership, legitimacy and balancing power imbalances relate to both approaches even though they are more explicitly spelled out for National Dialogues. Can more insights from the dialogical approach point to a more systematic use of these key qualities to support Transitional Justice processes?
- ≡ So far, the least researched (and most contested) aspect seems to be to what extent National Dialogue processes may benefit from being combined with Transitional Justice. There seems to be a fear that the latter may raise the political and emotional temperature of processes that are already highly political. More research on political factors and how they influence both processes is therefore necessary.
- ≡ There are also National Dialogue processes that particularly focus on Transitional Justice issues (AG discussion). What experiences have been gained with the timing and sequencing of these two processes? What conclusions can be drawn for Transitional Justice processes that come out of these National Dialogues? Are they better prepared to deal with the many contested questions that usually accompany the setting

up of Transitional Justice processes, such as the choice of mechanisms, their mandate and scope, and the timing and sequencing of measures?

Challenges which affect the individual processes also exist where they intersect – and may reinforce each other:

- ≡ implementation as perhaps the greatest failure (Paffenholz et al. 2017: 8; AG discussion for National Dialogues) – although Paffenholz et al. also concede that where National Dialogues fail to implement these processes, they may still contribute to longer-term transformation by potentially inspiring future negotiations (Paffenholz 2017: 75);
- ≡ overloading of processes (Salehi 2022 for Transitional Justice processes);
- ≡ contextual political factors that “make or break” the sustainability of outcomes, more particularly those contextual political factors that pertain to national elites and their role in either supporting or resisting change (Paffenholz 2017: 75-76; Barnes 2017: 39);
- ≡ contexts of weak or even non-existent statehood (AG discussion).

How can insights from each of the approaches be used to deal with these challenges and perhaps even convert some of them into opportunities?

In spite of the challenges, there seems to be more potential for a combination of Transitional Justice and National Dialogue processes than the “consecutive model” suggested by the Berghof Foundation (see above). However, the potential crossroads need to be more closely researched and tried out in practice. We currently operate with a very small evidence base and until that changes, we are limited largely to hypotheses and assumptions.

5.2. Further research questions

Some areas would be particularly useful in helping to change that – apart from the above questions of how to use the shared characteristics and the complementarities between the two approaches:

- ≡ More detailed analysis of National Dialogue processes would help to identify and assess how Transitional Justice aspects have been addressed, and to form hypotheses about methods to increase that potential.
- ≡ If the nexus genuinely demonstrates potential complementarity, collaboration and coherence, how should research and practical methodologies be designed to demonstrate this more clearly?
- ≡ What might be the limits of such complementarity? Where does the nexus stop?
- ≡ How far could we broaden the range of contexts in which National Dialogues increasingly take place to test whether adding Transitional Justice issues can always make the two approaches mutually reinforcing?
- ≡ Timing of each of the two processes: In which moments in time/phases (preparation, process, implementation) does each emerge and with what consequences? Reinforcement? Weakening? (AG discussion)
- ≡ Does it always have to be ‘integration’ of the two types of process or would it make sense to develop a joint process, potentially avoiding the risk of overloading?
- ≡ How can a joint/integrated process be established which contributes to the overall transformative goal that both approaches share but is all too often neglected as the process continues?
- ≡ Does a combination of the two approaches facilitate the inclusion of new issues, groups of actors, etc. and enable a stronger focus on root causes rather than remaining at the symptom level?

- ≡ In both approaches, the tension between national ownership and international influence plays a role in many instances. Could the nexus operate to energise a stronger national voice in the face of international pressure? Or could it offer a forum that operates as a more positive interface between the two?
- ≡ For practical purposes, but also for research reasons, could National Dialogues be designed with future review mechanisms to assess longer-term effectiveness?

6. Conclusion – Looking Ahead

In view of the long list of further questions, the two most important research-related issues which come up time and again seem to be the following:

- ≡ The question of political will/power imbalances/ripeness of the situation for transformative dialogue and Transitional Justice processes;
- ≡ The question of how this links in with implementation.

And the most important piece of advice: Be realistic while many of the approaches are idealistic.

The Berghof Foundation's National Dialogue Handbook, with its numerous examples and country fact sheets, the research conducted by Paffenholz et al. with its various case studies, and some of the country examples mentioned above may provide starting points for widening the evidence base and exploring more deeply the relationship, the 'crossroads' between National Dialogue and Transitional Justice. More practical examples may be provided by those countries which do have 'a little bit of everything', i.e. National Dialogue, Transitional Justice and peacebuilding processes, albeit unrelated so far. Is there potential for linking these processes at certain crucial points without overloading them?

When exploring the potential for integrating National Dialogues and Transitional Justice approaches, it may also be interesting – although challenging – to include examples from Europe and relevant action research in light of the increasing conflicts around xenophobia and the rise of far-right ideologies and politics, bearing in mind the long shadows of Europe's history of racism and colonialism.

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**Berghof Foundation
Operations gGmbH**


Lindenstraße 34
10969 Berlin
Germany

www.berghof-foundation.org
info@berghof-foundation.org

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