

Broadening and Deepening Participation in
Peace Negotiations

A Strategic Framework

About this paper

This strategic framework was developed during the 7th annual Meeting on Negotiations entitled Broadening and Deepening Participation in Peace Negotiations held in Berlin, September 2015. It provides an overview of some of the most frequent challenges Resistance and Liberation Movements (RLMs) face with regard to inclusivity in negotiation processes and ways to address such challenges. While in no way exhaustive, we hope that our readers find this overview useful both for reflecting on and enhancing their own negotiation strategies.

Deepening and broadening participation in peace negotiation?

Empirical evidence suggests that the inclusive design of peace negotiations enhances the sustainability of agreements, thereby preventing a relapse into violence in the long run. International peacebuilding organisations are therefore increasingly turning away from “elite-pacts” and instead focus on designing “inclusive settlements”. This trend has also been reflected by the 2012 UN Secretary General Report on Peacebuilding in the aftermath of conflict. Highlighting the advantages of inclusive processes, the report states that “[w]hile inclusive political settlements may take longer to negotiate, they are more sustainable. An inclusive process builds confidence among participating parties that their core objectives can be achieved through negotiation rather than violence, it is also more likely to address the root causes of conflict and increases the legitimacy and ownership of a political settlement.”¹

Why, when and how?

While a number of advantages have been ascribed to inclusive processes, including better negotiation results, greater buy-in from different sectors of the population, as well as a more sustainable peace, participatory approaches to peace negotiations also pose a number of challenges. Questions that need to be carefully addressed in each individual context include for instance:

- ☰ How to balance diversity vs. complexity?
- ☰ How to select the “right” participants for inclusive processes?
- ☰ How to manage time-consuming multi-actor negotiations successfully under time pressure?
- ☰ What are the limitations and trade-offs of inclusivity? Are there circumstances in which the principle of inclusivity is not desirable?

Reflecting on these and other questions in the following pages, we hope to contribute to more effective negotiation and conflict transformation processes.

About our strategic frameworks

As one major output of our annual Meetings on Negotiations, our strategic frameworks are practical tools that provide a structured and comprehensive overview on different themes related to political negotiations. These papers are based on the input and the discussion among all meeting participants and are further enriched through desk-research and literature reviews. Recognising that each conflict scenario and negotiation situation is unique, the aim of these frameworks is not to provide a blue-print solution, but to present insight and lessons-learned from different international contexts that can be helpful for developing authentic and case-by-case approaches to negotiation challenges.

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¹ http://www.un.org/ga/search/view_doc.asp?symbol=A/67/499.

Key aspects of inclusivity

Conceptualizing inclusivity:

Definitions and dimensions

- ≡ Inclusivity “refers to the extent and manner in which the views and needs of parties to conflict and other stakeholders are represented, heard and integrated into a peace process.” (UN Secretary General Report 2012, “Peacebuilding in the aftermath of conflict”). The **right to participate** is enshrined in various UN norms, including the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, Security Council Resolution 1325 etc.²

There are multiple dimensions of inclusivity:

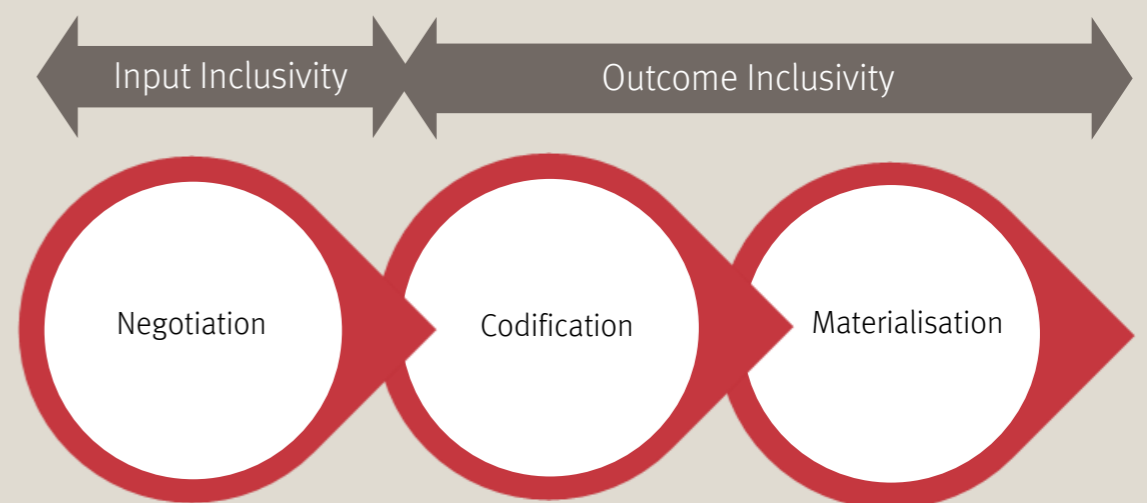
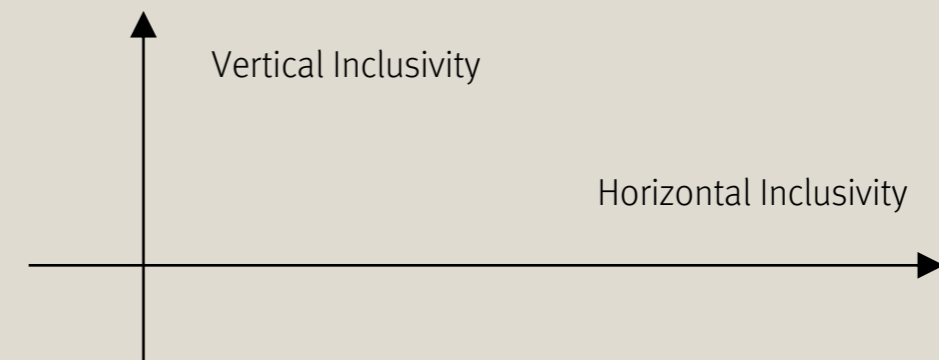
- » There are two broad aspects to inclusion: **inclusion of actors** (social groups and sectors, etc.) and the **inclusion of issues** (needs and concerns of the actors).
- » With regard to actor inclusivity, one can distinguish between **horizontal** (relevant actors are represented at the table) and **vertical** (the different parties at the table are themselves composed of different segments of their constituency) inclusivity;
- » With regard to the timing, one can differentiate between input **inclusivity** (inclusive design of the negotiation process) and **outcome inclusivity** (inclusive implementation of agreement);

- ≡ In this paper, we focus on process or ‘input inclusivity’ which can be measured by assessing the level of participation of (previously) marginalized actors in policy-making platforms (through e.g. informal, consultative, or executive roles). Participation is here understood as a sub-component of inclusivity, which describes what, how and to what extent actors engage – and are allowed and invited to engage – in a decision-making process (see Dudouet and Lundström 2015).

- ≡ To ensure inclusivity in negotiations, three dimensions are to be considered: an inclusive **process design, structures** that facilitate participation as well as **capacity building** for those that are to participate. Together, these three dimensions should not only guarantee **participation in numbers, but ensure quality participation.**

Inclusion of Issues
(needs, concerns, etc.)

Inclusion of Actors
(social groups, sectors, etc.)



² For a full list of the various instruments of the UN, see Barnes, Catherine (2002). Democratising Peacemaking Processes: Strategies and Dilemmas for Public Participation. In: Accord. An International Review of Peace Initiatives. Owing the Process. Public Participation in Peacemaking. Conciliation Resources.

Key aspects of inclusivity

Three considerations to start with

Inclusivity and participatory process design is no magic stick nor is “inclusivity” good *per se*. Negotiators must **guard against excessive expectations** about what inclusivity can deliver and carefully consider challenges and opportunities against the specific context and political power balance. They need to **carefully structure and design inclusivity** to benefit from its potentials (see below).

There are also some **(desirable) limits** to inclusivity. Spaces of political decision-making are rarely inclusive in absolute terms. Hence, a decision must be made regarding what type of actors needs to be present to make a space **“inclusive enough”**. According to the negotiation phase and its objective, inclusive formats often need to be complemented by non-inclusive mediation or dialogue spaces. In addition, **inclusivity does not necessarily mean that all actors are present at the negotiation table** but that the process is designed in such a way, that they views and concerns are represented and taken into account.

With this word of caution, research however suggests that “too much inclusivity” is not much of a problem. Rather, when difficulties emerge it is most often in relation to poor calculations of timing or the selection of an inappropriate format of inclusivity for a particular context. The following pages therefore provide a **range of options for inclusive process design that negotiators must adapt to their own context**. The options provided below are meant to help conflict stakeholders be in the driving seat of inclusive process design and shape participation from the start.

Inclusivity according to phases of negotiation

- ☰ Inclusivity can best be understood as a dynamic and evolving process which **can vary over time to respond to the needs of each negotiation phase**.
- ☰ The degree and formats of inclusivity will partly depend on whether negotiations are still in a preliminary phase, full development or the implementation phase:



Explorative talks ahead of official peace negotiations most often need to happen under strict confidentiality as trust in the process is still extremely low. As a result, they are often less inclusive. However, this phase can be used to negotiate an inclusive negotiation process, define a methodology for such a process and prepare actors for their participation (e.g. through training, by providing expert advice etc.).

In the negotiation phase, questions related to inclusivity will include the composition of delegates to the talks (horizontal and vertical representation), options for direct or indirect public participation, and the building-up of inclusive negotiation support structures.

In this phase, it is important to set-up inclusive mechanisms and institutions that can accompany and monitor the implementation of agreements. For instance, in 2010 in Mindanao, parties agreed that various local NGOs would participate in the Civilian Protection Component of the International Monitoring Team. Another option is to encourage civil society organisations to provide independent monitoring reports on the progress of the agreement’s implementation.

Rationale and challenges for inclusive peace negotiations

Opportunities...

Inclusivity often seems to be promoted for its normative value. In reality however, the design of (at least selectively) inclusive processes often **responds to the needs of realpolitik**, e.g. the need to include hardliners or increase public buy-in to save the negotiation processes from breaking down. Hence, there are also “hard arguments” that can be used to lobby for inclusivity.

≡ **Increasing legitimacy and public support**

Increasing public understanding for the process along with “politics of recognition” (symbolic dimension) can instigate increased support and legitimacy for the peace process. This is particularly important in situations where no “mutual hurting stalemate” forces conflict stakeholders and the public to consider negotiations;

≡ **Bringing peace processes through difficult moments & avoiding spoilers**

Civil society and other groups can serve as watchdogs of the negotiation process and exercise pressure on the negotiation parties to reach common ground. In addition, an inclusive process also facilitates access and integrates difficult to reach constituencies. While inclusivity is often assumed to be negotiated between the mediator and/or the conflict parties, third actors do have their own strategies to get their voices heard and their needs addressed. Integrating these actors into the process, can prevent them from damaging the negotiations from “outside”;

≡ **Empowerment**

The inclusion of marginalised actors in post-war political settlements might offer a window of opportunity for them to voice, address and advocate their own social and political agendas and needs;

≡ **Better negotiation results**

Diverse knowledge and expertise, including local conflict analysis and specific mediation or topical expertise from international NGOs, can help negotiation teams to better explore and innovative negotiation options. Participation therefore does not only help to create an institutional memory of a peace process but also leads to more informed deliberations;

≡ **Enhancing stability and the resilience of agreements**

Inclusive processes are better designed to a) address the root causes of conflict, b) provide legitimacy c) enhance ownership and buy-in of important groups and the public and d) ease monitoring of the agreements implementation;

≡ **Establishing a more democratic culture**

Finally, inclusive processes also enhance accountability, debate and dialogue as a reaction to conflict in the long run – even if negotiations finally fail.

Example - Guatemala



The Guatemala peace process is often highlighted as a very successful case in terms of civil society participation. Building on the previous experience of the Guatemalan “Grand National Dialogue” (1989), the Civil Society Assembly was formed in 1994 to support and feed proposals into the negotiations between the government and the Guatemalan National Revolutionary Unit (*Unidad Revolucionaria Nacional Guatemalteca*, URNG). The Assembly was composed of representatives from ten social sectors, including for the first time women and indigenous organisations next to political parties, religious leaders, media, students, human rights experts among others (actor inclusivity) and addressed a broad range of underlying structural problems instead of focusing only on demilitarisation and ending the conflict (topic inclusivity). However, the comprehensive agreement failed in the implementation phase. Not only did civil society participation decrease once the agreement was signed. The lack of participation of the agro-business elite led to the undermining of socio-economic and agrarian reform and land distribution. Guatemalan example highlights that inclusive processes face a number of challenges that we will explore in more depth on the following page.

... and dilemmas from the perspective of RLMs

≡ **Convincing the “other side” or the mediator**

RLMs are often in support of inclusive processes but need to convince the government or the mediator. Here, it is good to know that inclusivity often responds to the needs of realpolitik, e.g. the need to include hardliners or increase public buy-in to save the negotiation processes from breaking-down. Hence, there are also “hard arguments” that can be used to lobby for inclusivity. It might also be helpful to lobby the international community.

≡ **Legitimacy vs. effectiveness?**

» Complexity in design, management, and conduct may rise with a greater number of participants. However, “simple” negotiations with “main” conflict stakeholders do in turn presume compliance on the part of the excluded groups, which is a dangerous presumption. The creation of thematic (sub) working groups can be a viable option to reduce the complexity in numbers.

» The search for overall thematically inclusive “comprehensive agreements” can lead to a dispersion of the limited political capital and material resources available to implementation. A decision must therefore be taken whether certain topics can be dealt with in a different format, parallel to or after the peace negotiations.

» Time constraints: the negotiation process needs to make progress fast in order to build and not to lose support in the early phase. Manageable decision-making systems can help to avoid blocking the whole process.

≡ **Issues of representativeness**

How to ensure representativeness and how (and by whom?) to select the “right” - legitimate and capable - participants? How to establish transparent selection criteria or quotas? How to include non-like-minded actors, thereby substantially broadening the spectrum of support? Finally, how to manage the risk of endangering the legitimacy of the process by including certain groups (and not others) vs. their capacity to spoil the whole process if they feel excluded?

≡ **The danger of “rhetorical” inclusivity**

Power matters: Inclusive processes challenge established power structures. Powerful elites might be inclined to shape processes that seem participatory, but where they retain all power to influence the outcome. As participation on equal terms is additionally impeded by structural, institutional, cultural and capacity imbalance as well as political manipulation, a disparity between “passive participation” and actual decision-making power is to be expected and countermeasures need to be taken (e.g. training, early participation in establishing selection criteria for participation etc.)

≡ **Internal cohesion or inclusivity as threat?**

Inclusivity can also be perceived as a threat, political candidates with inclusive mind-sets are often side-lined in a polarised political environment. Therefore, it is also important to advocate for inclusiveness within one’s own movement and to constantly work on the internal cohesion regarding the inclusive approach.

≡ **International norms and legal frameworks regarding “talking to terrorists” and security risks**

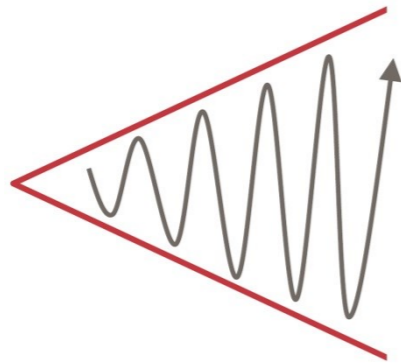
Participation cannot only be a right, but also a risk: people expose themselves, and if a process fails this can have negative consequences, especially if conflict is still ongoing. One way to protect people is to uphold common goals that are shared by both the government and the RLM in order to protect the people who participate (e.g. grassroots) from being regarded as “biased” and “partial” when they speak out. Another way is to validate grassroots proposals through independent/“neutral” actors (e.g. opinion polls or recommendations compiled by third parties that are not regarded as biased etc.). Additionally, it is crucial to develop channels of legal communication between the insurgency and the population and provide safety measures for the negotiation team members and close advisers themselves.

≡ **Translating process into outcome inclusivity**

In Guatemala, a highly inclusive format of parallel civil society discussions feeding binding inputs into the negotiation process still failed to materialise into an effective implementation of the agreement. The Guatemalan example demonstrates how important it is to broaden inclusivity beyond like-minded organisations. This lowers the risk of spoiling in the implementation phase and secures participatory mechanisms that continue to involve civil society once the agreement is signed.

Four formats for “inclusive enough” process design ³

Incremental inclusivity



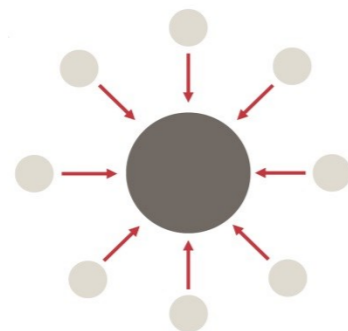
If the conditions for inclusive process design are not in place at the beginning of a fragile negotiation process, incremental inclusivity can be one way forward. In this format, concise peace or ceasefire deals are first negotiated between the main opposing parties, limited to setting general parameters and delimitating the agenda for transformation, which are then followed by inclusive arenas to deliberate on the details of structural reforms. For example, the South Africa CODESA negotiations brought together the main conflict actors. As these negotiations failed, the National Party and The African National Congress decided to reach a bilateral consensus first, before taking their ideas once again into a broader space whereby the main societal groups could reach consensus. Another example for such a “step by step” approach might be the current negotiation process in Myanmar where an initial nationwide ceasefire accord (NCA) has progressed into a more encompassing political dialogue process.

Thematic multi-arena inclusivity



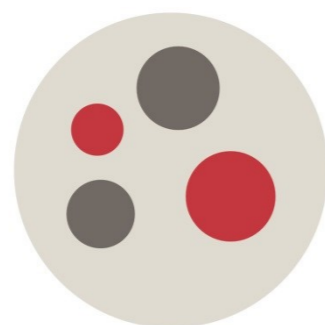
Another option is that of thematic multi-arena inclusivity. This model consists of parallel arenas for decision-making that are designated for particular themes or concerns. For instance, negotiations with regards to a cease-fire in the midst of violent conflict will by definition include armed groups and result in a series of simultaneous discussions among multiple actors. In such an instance, it would be possible to conduct security talks with the military actors on both sides; facilitate political discussions with (armed and unarmed) political actors; coordinate socio-economic discussions with relevant sectors; facilitate transitional justice talks with direct participation from victim’s representatives; in addition to making space for broader issues, such as forums on agrarian reform with the participation of peasant associations, etc.

Parallel consultation forums with built-in binding mechanisms



One of the most common forms of civil society participation in peace processes and political transitions consists in setting up parallel channels for influencing decision-making proceedings from the outside, such as consultation forums, public surveys or citizens’ petitions. The main recommendations coming out of these studies point to the importance of guaranteeing the official and binding character of such arenas, so that their outcomes can be more effectively fed into Track I negotiations or dialogue formats. Such forums were set up in several of our country cases, but they all lacked binding feedback loops and monitoring mechanisms to ensure that issues and concerns raised by the participants would not being ‘lost’ during the negotiations, and appear to fail on their codified outcomes.

Informal deadlock-breaking mechanisms with inclusive formal arenas



While the previous formula was concerned with designing inclusive avenues for influencing non-participatory arenas, this one aims to elicit effective decision-making within inclusive deliberation bodies such as Constituent Assemblies or National Dialogue conferences. The idea is to enhance trust-building within polarised negotiation and decision-making settings by supporting informal dialogue platforms as deadlock-breaking mechanisms. However, observers have also argued that such informal forums precisely reinforce the secretive and exclusionary nature of bargaining in elite politics by establishing various channels that bypass official structures, thereby distracting legislators from reaching consensus within the formal committees and plenary sessions. Instead, formal proceedings are ‘hijacked’ by informal spaces dominated by realpolitik and the old rules of the game, thereby blocking progress in the main arenas, such as is the case in Nepal.

³ These four formats for “inclusive enough” process design are based on a presentation by Dr. Véronique Dudouet that was shared with the participants during the meeting.

Principles and options for broadening and deepening public participation

- ☰ Research on participatory community development has suggested a so-called **“ladder of participation”** that ranges from simple information to consultation to deciding and finally, acting together. With regards to public participation in peace work, there are different options for including civil society. These options can be understood as **degrees of inclusivity** (seven degrees as displayed in the right column are taken from Pfaffenholzer 2015).
- ☰ Which of these models (or which combination thereof) is suitable must be decided based on the individual **conflict context** and will also depend on the **relative strength and organisational set-up of civil society**. It has been argued that civil society will be most likely included when 1) civil society is well developed and actively promotes its participation, 2) the mediator is sensitized to inclusivity and 3) the conflict parties are aware of the need to involve civil society and deem inclusion to be in their own interest.
- ☰ In any case, what should be kept in mind when opting for one of these models: public (or civil society) participation should not be equated with the participation of those “in favour of peace”. **Civil society organisations often do have divergent views of the peace process** and it is therefore important to acknowledge their heterogeneity and think about how to include constituencies that still need to be convinced of the negotiation process. Focusing on **common principles** might be one first step in creating peace alliances beyond political divisions.
- ☰ In that sense, it is important to **value the resources that different stakeholders bring to the process**: Encourage the grassroots’ level to participate in the process by involving existing peoples’ organizations (instead of creating new ones), organize and mobilize the “masses” because these are the people with the highest stake and they are the most numerous. The broader the mass participation, the easier it is to then draw in personalities from the upper classes, eventually including politicians from “the other side”, whose endorsement and support can be highly beneficial, not only in terms of moral and political support but also in terms of resources (that cannot often be brought in by the grassroots).

Seven degrees of inclusivity

1. **Direct representation** at the negotiation table within conflict stakeholders’ delegation or as a proper delegation (indirect representation in turn refers to representativeness in terms of topics, not people). Here, the main challenge will be linked to creating proper selection criteria for participation. Participants can be selected by the main negotiation parties, by the mediator, or alternatively by a self-selection process with formal procedures. Possible selection criteria are for instance the content of the negotiations (expertise), the relevance of the actor for the implementation process (inclusion of potential spoilers, directly affected population groups, etc.). At times, it is also advisable to include people in their personal capacity because their support to the process is of particular symbolic value (“eminent personalities”).
2. **Observer status** for select groups provides observers the possibility to serve as a guarantor of the process, exercise pressure and provide advice to the negotiation parties or simply help to stir selected group buy-in. The risk is however, possible frustration with a seemingly “powerless” voice that can be side-lined by negotiators and mediators.
3. **Consultative formats** range from official consultations that run parallel to, and feed into, the official negotiation table, to less formal consultations with elites or the broader public. With informal consultation formats especially, it is imperative to create transfer mechanisms that carry results from side consultations back to the main table negotiations. In addition, it must be decided whether the character of consultations will be binding or not. To this aim, the creation of expert civil society working groups has proven a useful consultative mechanism, of which RLMs can make use of.
4. **The creation of (hybrid) inclusive support structures** that directly support the negotiation team and/or support the peace process and the implementation of agreements more broadly. For example, hybrid negotiation structures or technical advisory teams that incorporate civil society’s views directly (e.g. Burma: TAT), peace secretariats that incorporate civil society staff and expertise, wise-men committees or historic commissions that can bring together respected personalities from different sectors of society to feed thematic input into the negotiation rounds (e.g. as in the Kurdish peace process), post-agreement implementation commissions such as constitution review commissions, or monitoring missions, and hybrid international contact groups (e.g. Philippines) that bring in expertise and support from a wide range of international, state and non-state actors.
5. **High-level problem-solving initiatives** that take place during the pre-negotiation, phase or parallel to official negotiations, and can influence the official process by providing feedback and advice.
6. **Public participation** through public hearings, opinion polls, signature campaigns and public decision making mechanisms, such as referendums, for example.
7. **Mass action** (campaigns, street action, protest, petitions, etc.)

Ways forward: Designing inclusive processes

Selection criteria for inclusive participation

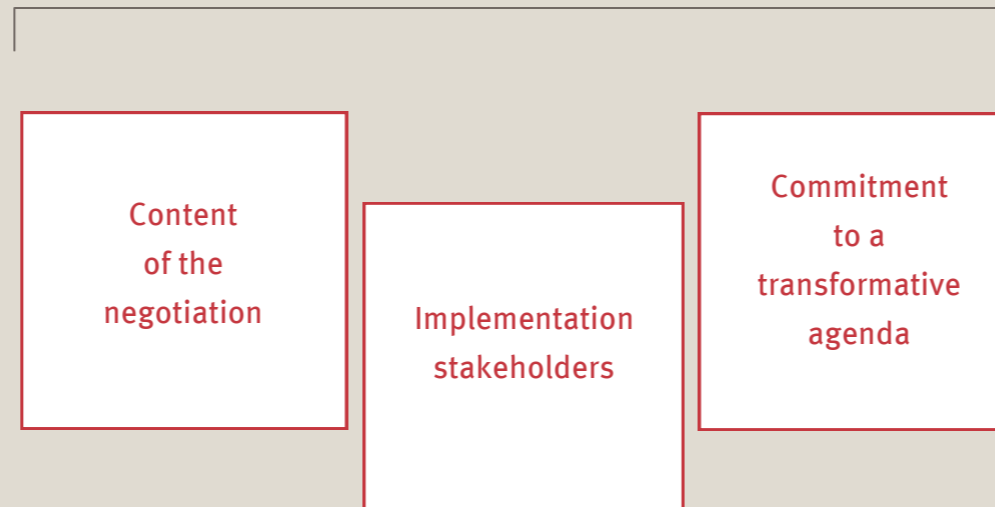
A number of important questions must be considered when designing processes and selecting criteria for participation: How to select the “right” (relevant, qualified, legitimate) participants? How to establish fair and transparent selection criteria and procedures? How to ensure that participation is broadened beyond the allies of the main conflict parties? Three **guiding principles** can serve as orientation:

- ≡ Content of the negotiation (who is knowledgeable about the topic? Who is most concerned/affect by the topic?)
- ≡ Implementation stakeholders (who will be the crucial actors for ensuring implementation? Are potential spoilers sufficiently involved in the negotiations?)
- ≡ Commitment to a transformative agenda (who will be in the driving seat for socio-political reforms in the future?)

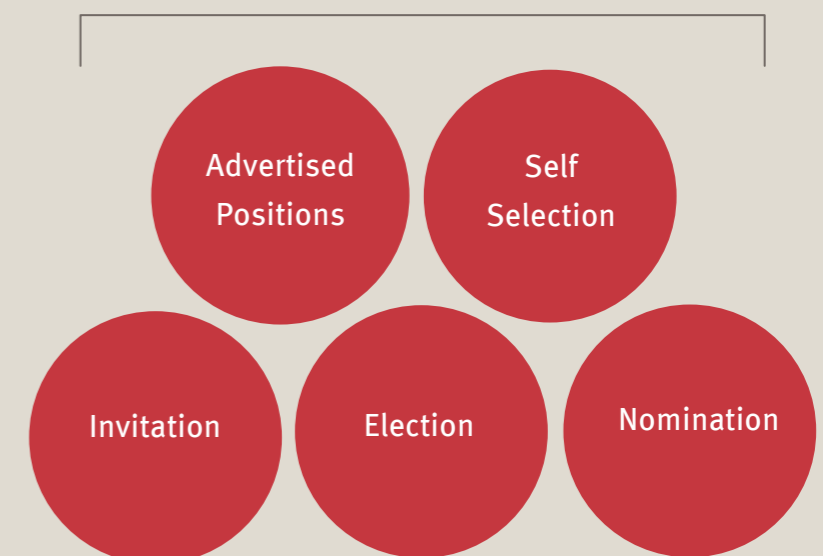
- ≡ Besides these guiding principles, **selection criteria** for participants are often established in terms of categories that need to be represented at the table. Across cases, social categories from which participants are often selected include: “youth”, “women”, “ethnic groups”, “professionals/experts”, “influential/ eminent persons”, “party representatives”, “diaspora representatives”, “refugee representatives” etc.
- ≡ Participants can become part of the process by a number of **procedural mechanisms**: through invitation, nomination, election, advertisement of positions or some form of self-selection procedures within the group.

3 Guiding principles

Selection criteria



Selection procedures



Inclusivity and gender

Lessons learnt for inclusive process design

More than any other form of inclusivity, the participation of women does not seem to take place without normative pressure. That means an extra effort is needed to ensure women are part of the decision making process. When striving for a better gender balance in a negotiation process:

- ≡ Put quality over quantity: it is not only about the actual numerical presence of women, but about their capacity to influence the decision-making process.
- ≡ Strengthen early involvement of women in (pre-) negotiations.
- ≡ Do not regard women as “monolithic” block: there are diverse female constituencies which represent different needs and demands which all need to be included.
- ≡ Enhance women’s capacities to effectively participate in negotiating processes through training in process design, thematic expertise and negotiation skills.
- ≡ Strengthen the gender-awareness of mediators, facilitators, mediation teams and conflict parties.

According to Lyytikäinen (2009), the following indicators measure gender inclusive negotiation design:

- ≡ Number and proportion of women present at peace negotiations as official negotiators;
- ≡ Number and proportion of women present at peace negotiations as observers;
- ≡ Number and proportion of women present at peace negotiations as representative of the warring parties;
- ≡ Provisions in peace agreement of draft constitution that promote women’s equal participation in post-conflict political institutions;
- ≡ Propositions of staff on international missions that have been trained in gender-sensitivity and gender analysis;
- ≡ Resources provided for women’s organizations and Civil Society organisations engaged in Track II diplomacy.

10 key lessons to take away

- » Be in the driving seat of inclusive process design;
- » Inclusivity is not (only) about numbers but about quality participation;
- » Inclusivity does not happen per se: it needs to be carefully designed, continuously ensured and properly communicated;
- » Inclusive processes come both with opportunities and challenges: be aware of trade-offs and limitations;
- » Use both normative and pragmatic arguments to lobby for an inclusive design;
- » Broaden participation beyond the like-minded;
- » Ensure internal cohesion and inclusiveness (bringing internal sceptics on board, building on internal expertise, raising internal understanding and commitment to the process);
- » Remember and ensure the different dimensions (vertical/horizontal; actors/topics; input/output) of inclusivity;
- » Make use of and adapt existing models for inclusivity to your own context and needs;
- » Set-up structures that ensure an inclusive approach to both the negotiation and the implementation phase.

Relevant publications & further reading

- ≡ African Union and Centre for Humanitarian Dialogue (2013). Managing Peace Processes. Towards more Inclusive Processes. A Handbook for AU Practitioners.
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