

Inclusivity in National Dialogues

Guaranteeing Social Integration or Preserving Old Power Hierarchies?¹

Katrin Planta, Vanessa Prinz and Luxshi Vimalarajah

Background Paper 1

Abstract

National Dialogues attempt to bring together all relevant national stakeholders and actors (both state and non-state), based on a broad mandate to foster nation-wide consensus on key conflict issues. They are increasingly seen *per definitionem* as the most participatory and inclusive tool for conflict transformation. However, there is both the risk of overestimating National Dialogues' 'capacity of inclusion' as well as the transformative impact of an inclusive process design. Although we assume that the principle of inclusivity possesses intrinsic qualities (e.g. by increasing the prospects for conflict transformation and reaching positive peace), in practice it might not necessarily be the case that more inclusivity equals better outcomes. As a result, any discussion on 'inclusivity' must go beyond the value attributed to the principle itself and also critically consider the challenges and dilemmas related to inclusivity. Analysing the role and meaning of inclusivity in the context of different National Dialogue processes around the world, this paper addresses five core dilemmas of National Dialogue processes, including tensions related to effectiveness, representation, legitimacy, power balances and ownership. The paper concludes by drawing a balance between the challenges and benefits of inclusivity in National Dialogues.

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Table of Contents

1	Introduction	4
2	Inclusivity as a Core Defining Feature of National Dialogues	5
3	Elements of Inclusivity in National Dialogues	6
	3.1.1 <i>Mandate</i>	7
	3.1.2 <i>Composition and decision-making of the preparatory body</i>	8
	3.1.3 <i>Participant selection methodology</i>	9
	3.1.4 <i>Composition of delegates</i>	9
	3.1.5 <i>Forms of participation</i>	10
	3.1.6 <i>Decision-making process</i>	10
	3.1.7 <i>Responsiveness of major texts</i>	11
	3.1.8 <i>Representativeness of state institutions</i>	11
	3.1.9 <i>Implementation of results</i>	11
4	Central Dilemmas	12
	4.1.1 <i>Complexity vs. effectiveness</i>	12
	4.1.2 <i>Inclusivity and representativeness</i>	12
	4.1.3 <i>Inclusivity and legitimacy</i>	13
	4.1.4 <i>Inclusivity and power: sufficient enough consensus?</i>	13
	4.1.5 <i>Inclusivity and ownership</i>	13
5	Conclusion	14
	References.....	15

List of Acronyms

ANC	African National Congress
AU	African Union
CAR	Central African Republic
CLJ	Constitutional <i>Loya Jirga</i>
CODESA	Convention for a Democratic South Africa
GCC	Gulf Cooperation Council
HPC	High Preparatory Commission
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
MPNP	Multi-Party Negotiating Process
MSP	Mediation Support Project
ND	National Dialogue

1 Introduction

Initiating, conducting and facilitating dialogue has become one of the key tools in peacebuilding and conflict transformation. In support of the objectives of conflict transformation, comprehensive dialogues are seen as seminal for the transformation of relationships, the promotion of empathy, and the rapprochement of particular groups after conflict. Within the broad range of dialogue formats, the concept of National Dialogue (ND) has been receiving growing attention from peacebuilding practitioners.

National Dialogues attempt to bring together all relevant national stakeholders and actors (both state and non-state), based on a broad mandate to foster nation-wide consensus with respect to key conflict issues. As such, they offer a useful approach in promoting public participation and helping develop a new social contract. Often following severe national crises or open armed conflict, they are set in motion to move away from elite deal-making, allow for broader societal participation and gather popular consent and support for fundamental political reforms and constitutional change in periods of political transition. Consequently, National Dialogues are increasingly seen *per definitionem* as the most participatory and inclusive tool for conflict transformation.

However, there are two caveats with regard to National Dialogues being presumed to be the most inclusive instruments in post-conflict settings.

First, there is the risk of overestimating the ‘capacity of inclusion’ with National Dialogues. The frequent assumption that National Dialogue is *the* tool for inclusive processes still needs further assessment: What does inclusivity in the context of National Dialogues mean? How is inclusivity defined and managed in different processes? What are the commonalities and peculiarities of inclusivity in National Dialogues across cases? Are National Dialogues *per se* inclusive or have they in some instances served elite deal-brokering with an inclusive façade? Do National Dialogues stand a chance of including marginalised social groups if they are set up against the backdrop of highly exclusive socio-political contexts? Why are certain processes more inclusive than others? What challenges have different processes faced regarding inclusivity and how have they dealt with them? What are the pitfalls, best practices and lessons learned with regards to inclusivity?

Second, highlighting ‘inclusivity’ as a value in itself is a normative argument. Although we assume the principle of inclusivity possesses intrinsic qualities (e.g. by increasing the prospects for conflict transformation and reaching positive peace), in practice it might not be the case that more inclusivity necessarily equals better outcomes. As a result, any discussion on ‘inclusivity’ must go beyond the value attributed to the principle itself and also critically consider the challenges and dilemmas that emerge with increased social inclusivity in negotiation and transformation processes (e.g. decreasing efficiency, inclusion of anti-democratic forces, the risk of manipulation by elites, cosmetic participation, etc.).

Against this backdrop, this paper aims to analyse the role and meaning of inclusivity in the context of National Dialogues. It offers a concise survey of past and on-going National Dialogue processes from the perspective of inclusivity. Our analysis will be based both on a critical review of the state-of-the-art literature on National Dialogues and on anecdotal evidence from actual cases, including **Yemen, Afghanistan, Iraq** and **South Africa**. The paper pursues the following structure: After a thorough definition of National Dialogues and an assessment of the position and significance of the concept of inclusivity therein, we will outline the various elements of inclusivity in National Dialogue designs and processes. Inquiring how different processes manage inclusivity, we compare our case studies by their varying degrees and types of inclusivity in different phases of National Dialogue, the roles of different political, societal and international actors in enhancing inclusive processes, and the ranges of tension between inclusivity and effectiveness. Subsequently, we assess five central dilemmas pertaining to inclusivity in National Dialogues, including tensions related to effectiveness, representation, legitimacy, power balances and ownership. In our concluding remarks, we draw a balance between the challenges and benefits of inclusivity in National Dialogues.

2 Inclusivity as a Core Defining Feature of National Dialogues

Political negotiations over a war's end were long considered as – and readily accepted to be – elite bargaining. However, recent peace processes are characterised by an ever-growing demand for public participation in decision-making.

As defined by Dudouet and Lundström (2015), 'inclusivity' (or its synonymous 'inclusiveness') refers to the degree of access to the various arenas of political settlements for all sectors of society beyond the most powerful (pre-war) elites, either by participating – directly or indirectly – in decision-making ('process inclusivity'), or by having their concerns addressed by the state ('outcome inclusivity'). Comparative research has identified and raised awareness for the long-term benefits of more inclusive negotiation or dialogue formats, such as enabling more social groups to contribute to the process and follow the negotiations, increasing transparency and with it public understanding and potential support for the peace process, and helping establish a more democratic culture of debate and dialogue as a reaction to conflict (Barnes 2002, 7). Within the scope of peace processes, inclusivity can strengthen the sustainability of an agreement by allowing important groups and the public to buy in. It can also contribute to exerting pressure on the negotiation parties to reach common ground. Furthermore, it offers knowledge and expertise, enhances legitimacy and representation, and creates greater diversity by providing access to difficult-to-reach constituencies. Lastly, inclusivity creates accountability and eases the monitoring of the agreement's implementation (AU and HD Centre 2013, 41ff). In the words of John Packer, Constitutions and Process Design Expert with the UN Standby Team of Mediation Experts:

Ultimately, inclusive processes are better processes – facilitating more informed deliberations, broader and deeper concurrence, resulting in more implementable and sustainable agreements. This allows situations to transition from violence through 'negative' peace (i.e. absence of war) to 'positive' peace (i.e. self-generating, resilient societies and sustainable development). (2013, 4)

Widely considered a negotiation instrument that allows for the broad inclusion of social groups and political actors, National Dialogues have been defined as “mechanisms for promoting broad social participation and fostering the sense of citizen ownership in the definition and operation of public policies and institutions” (IDEA and World Bank 2000, 1).

For the purpose of this paper, we will understand National Dialogues as self-organised political processes aimed at generating (or re-establishing) consensus among (preferably all) major national stakeholders in times of deep political crisis, in post-war situations or during far-reaching regime change and political transition. While they are often specifically associated with post-conflict peacebuilding, the effective use of National Dialogues is not restricted to open conflict, but can also be used in situations where established political rules and procedures have lost their legitimacy ('crisis of representation') and capacity to act. In addition, National Dialogue processes have frequently taken place outside of the political mechanisms for conflict resolution designated by existing legal frameworks or the constitution (in contrast, for example, to referenda or extra-ordinary parliamentary sessions) and are therefore extra-ordinary measures not necessarily based on democratic *de jure* but *de facto* representation.

Ideally, a National Dialogue should serve as a common platform for trust-building, learning, reflection and decision-making with the aim of developing a new social contract. Set up as a temporary and time-bound initiative, they may precede, complement or accompany formal negotiations – for example, they may address constitutional matters or support the implementation of later negotiations. They aim to bring in the various and diverging interests of all stakeholders during processes of political transition, thus creating a kind of “creative space” within which ideas of national unity, reconciliation and peacebuilding can prosper. Although National Dialogues cannot replace the need for democratic elections and an effective constitution, they can provide a normative and practical framework conducive to building trust and enhancing confidence in the conflict-stricken state (Berghof Foundation 2014, 1).

National Dialogue formats have been applied in multiple settings since the 1990s². Examples include national conferences in francophone Africa in the 1990s (Benin, Congo-Brazzaville, Togo, Mali, Niger, Zaire, Chad), multi-party negotiations such as in South Africa (CODESA), national roundtables (e.g. Poland, Germany's unification process), constituent assemblies such as in Bolivia or Afghanistan³, the current National Dialogue processes in the Arab World (e.g. Bahrain, Yemen, Tunisia, Lebanon) and beyond, as in Myanmar. Although these processes differed substantially in their specific mandate, the background against which they were established in and their individual size and duration, they share a number of common elements, including their national scope, a broadly defined mandate, their dialogue/consensus-oriented methodology and their claim to be highly inclusive and representative of the whole of society.

3 Elements of Inclusivity in National Dialogues

While there is consensus among scholars and practitioners about the importance of inclusivity in National Dialogue processes, the term remains oddly undefined and unclear when looking at specifics: When and where does inclusivity become relevant in the process of planning, establishing and conducting National Dialogues, or in implementing its results? Does inclusivity mean that the process itself, or rather its outcomes should be inclusive? Should the notion of inclusivity assure the inclusion of as many political parties as possible, and/or should representatives from all social layers and groups (women, youth, businesspeople, etc.) be included? How does one go about defining and selecting the latter?

Looking at such questions, two things become apparent: First, despite often being used in a rather static fashion, inclusivity is a dynamic, complex and multi-layered concept in and of itself. Second, this concept needs to be delicately woven into the design, process and outcomes of any National Dialogue.

Thus, approaching inclusivity from a process-oriented perspective, we will highlight nine interlinked elements of inclusivity in three stages of National Dialogue processes:

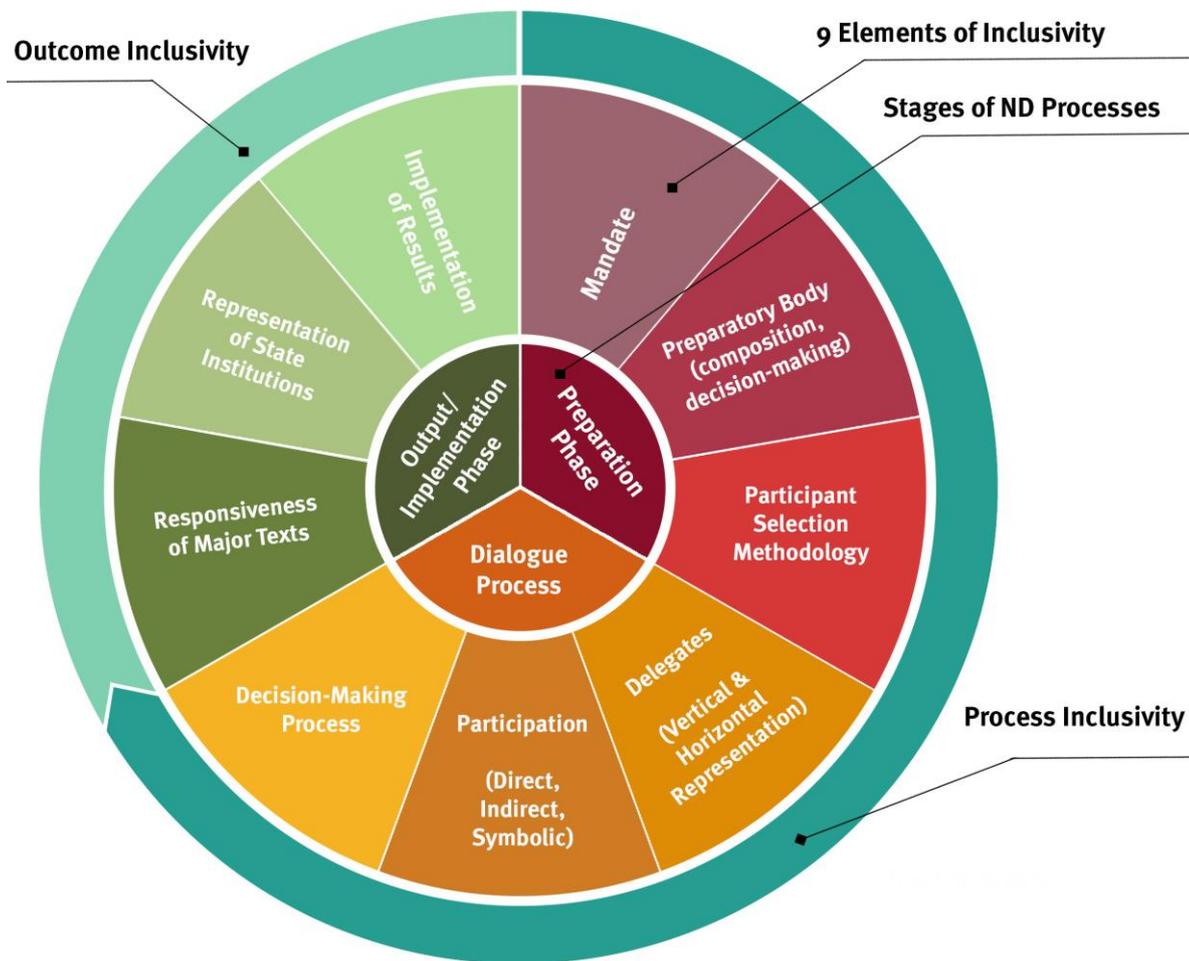
- ≡ Preparation Stage: Inclusivity can be rooted in the National Dialogue's mandate, and can be determined by the composition and decision-making capacities of the preparatory body, as well as the participant selection methodology for the National Dialogue process.
- ≡ Dialogue Process: The actual composition of delegates, their form of participation and the design and implementation of the decision-making process are crucial to the level of inclusivity during the National Dialogue itself.
- ≡ Outcome and Implementation Phase: Inclusivity in the post-National Dialogue phase is determined by the responsiveness of major texts and legal frameworks, the representativeness of state institutions, and the general implementation of the Dialogue's results.⁴

While all elements of inclusivity in the first two stages of the National Dialogue process relate to 'process inclusivity', i.e. the level of societal and political representation ("governance by the people"), the elements of inclusivity in the post-National Dialogue stage deal with 'outcome inclusivity' or the level of inclusiveness created by the National Dialogue's outputs ("governance for the people").

² Around this time, the term 'National Dialogue' was coined for the format. Many communities claim that comparable broad-spanning dialogue settings have always been part of their traditional means of conflict resolution. Others have created National Dialogue spaces earlier under a different label. In Afghanistan, for example, *jirgas* have traditionally been part of *Pashtun* grassroots conflict resolution mechanisms, which were convened ad-hoc when necessary. *Loya Jirgas*, on the other hand, as parliament-like institutions representing all ethnic and social groups of the country, have been documented since 1915 and helped decide upon a constitution in 1921 and establish a parliament in 1931 (Ruttig 2011).

³ In literature, the boundaries of National Dialogue are not always clear-cut, with some sources excluding Constituent Assemblies from the definition of "extra-constitutional" National Dialogues.

⁴ However, for lack of space, this paper will focus on the first two stages of the National Dialogue process.



The question of inclusivity is central to the design and processes of National Dialogue and must be engaged far in advance of conducting actual Dialogue proceedings. Inclusivity is relevant even in the most primary stages of planning.

3.1.1 Mandate

Throughout our case studies, National Dialogues have had a broad variety of mandates, ranging from bringing all political actors together to build trust and agree upon future negotiation processes, appointing transitional governing bodies and constitutions, to drafting constitutions or constitutional frameworks. Often, the mandate for a National Dialogue is formally inscribed in the Peace Accord.

Whether the Dialogue has a strong and inclusive mandate that is understood and agreed upon by all stakeholders depends on whether the key stakeholders were able to reach an inclusive agreement on the mandate. While in some cases (e.g. Yemen, Afghanistan) the mandate was negotiated among the conflict parties alone, in other cases relatively inclusive committees were set up to decide upon the mandate and prepare for the National Dialogue (e.g. Togo, Republic of Congo).

Of course it might be (and indeed has been) possible to have an elite-brokered mandate and still include a wider range of social and political groups in a later stage of the process. However, when the mandate is disputed by those that had not initially been included in the negotiation process, the National Dialogue might be boycotted by important conflict stakeholders or influential social and political groups from the very onset.

In **Yemen**, implementing an inclusive National Dialogue was formally mandated by the Gulf Cooperation Council (GCC) agreement, which was signed by the country's main political parties on both sides of the conflict, but neither by representatives of other constituencies, such as the peaceful southern movement, the *Houthi* rebellion, nor by civil society or youth representatives central to the Arab Spring protests (Papagianni 2014, 4). Although the mandate had been negotiated by a small group, the 565 delegates that convened from March 2013 to January 2014 comprised all conflict stakeholders, including southern representatives, as well as an unprecedented number of women, youth and civil-society activists (Gaston 2014).

In contrast, the **Iraqi** National Conference held in mid-August 2004 was boycotted by the major opposition parties and failed in reaching its goal of establishing the National Council, a body with limited powers intended to oversee the interim government. The National Conference had been appointed by the Annex to the Transitional Administrative Law, Iraq's interim constitution which had been adopted by the US-appointed Iraqi Governing Council (Papagianni 2006, 316). Lacking the mandate to amend the interim constitution, opposition groups refused to participate in the National Conference (Papagianni 2005, 755).

3.1.2 Composition and decision-making of the preparatory body

The composition of the preparatory body or bodies set up to arrange the technical aspects of the Dialogue have a key influence on the inclusivity of the further process. While usually a strictly technical body prevented from deciding anything related to the substantive work or the outcomes of the National Dialogue, they in most cases set the criteria for participating and selecting participants, supervising the selection process, drafting an agenda, establishing a support structure (e.g. a Secretariat), and preparing all the administrative and logistical aspects of the Dialogue (Papagianni 2014, 6). Whereas an inclusive preparatory committee does not guarantee an inclusive National Dialogue, the chances of inclusivity at a later stage are minimised if the preparatory committee solely reflects and considers old power structures.

In **Iraq**, the 100-member High Preparatory Commission (HPC) was in charge of designing the participant selection methodology. 550 of the 1,200-1,400 participants were elected in a provincial, caucus-like selection process, while the remainder was appointed by the High Preparatory Commission. However, the HPC neglected to broadly inform the public about the election process, resulting in the *de facto* exclusion of less organised and poorly informed actors, many of whom had never heard of the National Conference and therefore did not participate in the election (Papagianni 2006, 755).

In contrast to Iraq, **Afghanistan's** Constitutional *Loya Jirga* (CLJ) was not tasked with participation methodology and participant selection. In the case of the Constitutional *Loya Jirga* (CLJ), both the Constitutional Drafting and Review Commissions (mandated respectively with drafting and reviewing the new constitution) were supported by a Secretariat. The presidential decree on the Convening of the Constitutional *Loya Jirga* mandated the Secretariat to take the necessary measures to ensure the process was carried out effectively, including executing technical, administrative, logistical, financial and public information/education duties. However, while the decree lists the composition of the CLJ in detail, it does not mention the composition of the Secretariat. Its management structure and staffing, with more than 450 employees in all regions of Afghanistan, and dependencies in Pakistan and Iran, did not follow considerations of inclusivity (UNDP 2004, 6).

In some cases, questions relating to the process design were discussed and decided upon in the course of the National Dialogue. In **South Africa's** multi-party negotiations, CODESA (Convention for a Democratic South Africa)/Multi-Party Negotiating Process (MPNP), that was attended by "most political parties and homeland

governments” (Barnes and De Klerk 2002, 27), participants agreed on an agenda, a Steering Committee, and international observers (Odendaal 2014, 64). The management structure and composition of CODESA’s working groups was discussed and decided upon among the 238 delegates from the 19 participating parties at the first plenary session, CODESA I (Barnes and De Klerk 2002, 27).

3.1.3 Participant selection methodology

The methodology of selecting dialogue participants is obviously pivotal to inclusivity in National Dialogues. In some cases, participants were appointed by the preparatory body, in others they were self-selected by the identified constituencies or locally selected in caucus gatherings. Most cases, however, opted for a multi-step process that required political consensus on the constituencies to be included (i.e. political parties, regions, civil society, ethnic groups and minorities). In a second step, delegates from those constituencies were elected, sometimes in another multi-step procedure (which was often organised by the preparatory body).

For the Constitutional *Loya Jirga* in **Afghanistan**, an extensive selection methodology was elaborated and laid out by presidential decree. According to the decree, some 500 delegates would convene, 450 of whom would be elected by secret ballot elections and another 50 appointed by the President. The allocation of seats was broken down into the following shares: 344 delegates were elected by district representatives who had participated in the first phase of the predecessor Emergency *Loya Jirga* elections; furthermore, 60 refugees, IDPs, ethnic and religious minorities, and 64 women were elected. Papagianni (2014) however states that women delegates, after having been introduced by community members, women’s educational institutions and associations, were confirmed by the Special Independent Commission with the co-operation of the UN. The President additionally appointed 25 experts, 25 women and 2 disabled persons (UNDP 2004, 16-17).

3.1.4 Composition of delegates

With regard to the composition of delegates at National Dialogues, two levels of inclusivity can be distinguished: vertical inclusivity and horizontal inclusivity. The latter refers to the participation of various leaders or elites representing different sectors of society, while the former concerns representatives from different strata, classes, or religious or ethnic backgrounds within these different sectors. When analysing the composition of delegates, both levels of inclusivity are relevant. Inclusivity on one level does not guarantee the overall inclusivity of a process.

By including women and youth, as well as other representatives from what is seen as civil society in the ranks of delegates, the process in **Yemen** sought to include actors traditionally alienated from political power. This decision was not uncontested, as some argued that neither women nor youth organisations/representatives were separate constituencies and should thus be subsumed under political parties instead. However, as the GCC agreement had listed youth, women and civil society as separate constituencies, it was hard to prevent their participation as such (Papagianni 2014, 7).

But even if the difficult task of including a broad range of different constituencies is accomplished, those who finally participate at the National Dialogue are not necessarily representative of the group they have been selected for, as broad social categories like “women” or “youth” veil the vast differences within such groups. This in turn can result in the exclusion of marginalised members of social groups.

To overcome this difficulty, some dialogue processes have tried to combine participative methodologies of self-selection with clear-cut rules of eligibility for group members (e.g. Yemen) to ensure vertical inclusivity. Another strategy to overcome inclusivity gaps relates to educating and training marginalised communities in issues related to National Dialogue processes prior to the events themselves. This contributes to the empowerment of such actors and improves their chances for informed participation, as was the case in **Yemen**.

3.1.5 Forms of participation

The way participation is designed greatly shapes the influence an actor can have on the process. In that regard, three levels of participation can be distinguished. First, actors can participate directly and in a formal capacity (executive roles) through invitation (e.g. mandated by the parties, signatories, government, or peace accord), elections, or institutional guarantees, the latter including quotas or power-sharing provisions. The second level of participation comprises indirect and/or informal participation (e.g. in the form of consultation channels, parallel forums or lobbying). The weakest form of participation is merely symbolic or ‘cosmetic’ participation in cases where participants are allowed to be physically present or consulted, but their opinion is deliberately excluded from the table (Dudouet and Lundström 2015).

Although women’s participation of 20% in the **Afghan** Constitutional *Loya Jirga* was higher than at any preceding *Loya Jirga*, “women’s meaningful participation at the Constitutional *Loya Jirga*, as with the Emergency *Loya Jirga*, was limited by warlord intimidation. One female delegate, Malalai Joya, required special security during and after the convention because of her vocal criticism of warlord dominance” (Grenfell 2004, 23). Other female participants were silenced by the fear of retaliation upon return to their home communities. Upon conclusion of the *Loya Jirga*, a number of women left the country temporarily or delayed their return home. Some female participants were later subject to retaliation in the form of harassment, dismissal from their jobs or demotions. Although some female participants refused to be silent and their participation was without doubt an important political sign, the lack of safety measures and protection from harassment and retaliation rendered the participation of many women at the *Loya Jirga de facto* cosmetic (IWRP 2007, 8).

During the **Kenyan** National Dialogue in turn, women participated both on formal and informal levels. The risk of excluding socially marginalised and politically under-represented – mostly rural and illiterate – women was mitigated by establishing a broad range of informal dialogues on national and local levels. In addition to a number of processes at the national level,⁵ numerous women’s organisations and individuals initiated reconciliation initiatives in their communities parallel to ongoing National Dialogues. Vertical inclusivity in the formal process was increased through extensive consultations with women’s leaders and civil-society organisations in a Women’s Consultative Meeting on the Kenyan Crisis. When they realised that the societal polarisation had affected their unification, they sought mediation among women with different party affiliations and ethnic backgrounds, thus airing differences, building confidence and succeeding in drafting a Women’s Memorandum, which they presented to the mediation team, thus creating the link between the informal and formal participation of women (Preston McGhie and Wamai 2011, 18-19).

3.1.6 Decision-making process

Regardless of the composition of the National Dialogue, the nature of decision-making mechanisms will crucially influence the outcomes. Forms of decision-making include, among others, (sufficient) consensus votes, qualified majority and simple majority votes, or minority veto rights. The forum in which decisions are taken (in the plenary, the working groups, a small executive committee, etc.) is also of great relevance.

While the **Yemeni** National Dialogue Conference (NDC) went to great lengths to be as inclusive as possible, notably by including small parties and important social groups – including women and youth – the decision-making process was criticised by many as elite-driven and exclusive. In the final month of the process, most decision-making was removed from the large conference and delegated to smaller committees. Furthermore, “much of the rest of the final decision making and final resolutions of the NDC working groups were resolved and finalized by the consensus committee, a small group of delegates handpicked by President Hadi” (Gaston 2014, 6).

⁵ Such as by the Vital Voices Women’s Group, the Kenyans for Peace, Truth and Justice, and the Kenya Women’s Consultative Group.

Apart from considerations related to the formal format of decision-making and voting mechanisms, the practical implementation of the voting system is pivotal to the delegates' influence on process outputs. In this regard, the element of decision-making is a crucial link between process and outcome inclusivity. The suppression of women's voices during the **Afghan** Constitutional *Loya Jirga* is one such example.

The last three elements relate to outcome inclusivity, i.e. the degree to which actors concerned with and affected by a political post-conflict settlement are represented and have their concerns addressed by the state. Inclusivity can be indicated through the following three elements: responsiveness of major texts, representativeness of state institutions and implementation of results (Dudouet and Lundström 2015).

3.1.7 Responsiveness of major texts

Major texts codifying the political settlement and their policy implementation determine the formal distribution of rights and entitlements across groups and classes in society, including whether they favour dominant groups, or reflect fairly and genuinely the various interests and needs of all social sectors. Elaborating such texts often constitutes the mandate of National Dialogues, as in the cases of **Afghanistan**, where the Constitutional *Loya Jirga* was tasked with reviewing, refining and adopting a new constitution, or in the case of the **South African** Multi-Party Negotiation Process, which elaborated core constitutional principles and decided upon the structure of a future government.

3.1.8 Representativeness of state institutions

Outcome inclusivity can, secondly, be measured by the representativeness of state institutions towards their citizens. Indicators include whether composition, both in leadership and membership, reflects the structure of society, and how minorities and marginalised groups are represented. While considerations relating to state institutions' representativeness can be part of major texts drafted or adopted by National Dialogues, such considerations are sometimes also part of direct National Dialogue decisions. In January 2014, the **Yemeni** national reconciliation government adopted a 30% quota for women in all three branches of government, which was seen a translation of the outputs of the NDC.-

3.1.9 Implementation of results

Constituting another crucial link between process and outcome inclusivity, the implementation of the Dialogue's results not only determine its effectiveness, but is also the ultimate step in translating process inclusivity into inclusivity in governance structures. Often, this step is supervised and supported by commissions for implementation (e.g. Guatemala, Afghanistan).

In past processes, three major challenges have crystallised with regard to the implementation of results and recommendations. First and foremost, the parties (and especially powerful elites) need to muster the political will and strength to implement results. Paradoxically, inclusivity and implementation can create a dilemma, since experience has shown that more participatory and inclusive processes, while broadening the constitutional agenda and empowering formerly disempowered actors, tend to threaten the established power structures. Old elites may thus have a vested interest in preventing implementation. One of the core challenges then is to "address the opposing requirements of creating incentives for the powerful players ... without abdicating a genuine consultative process that fosters political dialogue and empowers people" (Samuels n.d., 29). The other two key challenges are concerned with the mobilisation of sufficient economic resources and technical capacities (WGLL 2009, 3).

4 Central Dilemmas

Literature on broad participation in peace processes usually emphasises the positive assets that increased inclusivity contribute to the process, its outputs and its implementation. While a number of recent studies provide analytical evidence on why inclusive processes lead to a better outcome, there are a number of fundamental tensions when designing inclusive National Dialogue processes. As the Swiss Mediation Support Project (MSP) concedes:

If the two people talking together are heads of states who are legitimate representatives of their respective people, such an exclusive process may be more effective and democratic than a very inclusive process with hundreds of people who have no decision-making power and no strong constituencies. (MPS et al. 2008, 14)

This quote serves to illustrate a number of fundamental tensions inherent to inclusive National Dialogue design: complexity vs. effectiveness, inclusivity and representativeness, legitimacy, power and ownership.

4.1.1 Complexity vs. effectiveness

While a number of advantages have been ascribed to inclusive political settlement processes, including better negotiation results, greater buy-in from different sectors of the population, as well as a more sustainable peace, participatory formats also pose a number of challenges. The complexity in design, management and conduct of National Dialogues may increase with a greater number of participants. The search for a “comprehensive dialogue” that includes a broad range of topics of national relevance can lead to a dispersion of the limited political capital and material resources available to implement what the National Dialogue agrees upon. While National Dialogues certainly do pose a challenge with regard to accommodating different and contradicting voices and topics, “simple” negotiations with “main” conflict stakeholders in turn merely presume compliance on the part of the excluded groups, which is a dangerous assumption. Rather than regarding inclusivity as a “burden”, it might be helpful to think about creative ways to reduce the complexity of the National Dialogue through, for instance, the creation of thematic (sub)working groups.

4.1.2 Inclusivity and representativeness

National Dialogue processes can be inclusive and still fall short of representing the different views and different sections of society. Although the National Dialogue Conference in **Yemen** tried to integrate as many societal groups as possible, it failed to include crucial representations of the southern *Hirak*, who demanded secession from the Yemeni state. Mansur Hadi, then president, handpicked the people who were supposed to represent the South. Those who were critical of Mansur Hadi and his policies were obviously not given a voice in the Dialogue. Interestingly enough, the legitimacy for this personalised selection procedure was drawn from his roots as a person from the South. Herein lies one of the main causes for the collapse of this particular National Dialogue.

Similarly, the pre-talks of the Preparatory Committee in the **Central African Republic** (CAR) in 2008, which was tasked with setting an agenda and a timeframe for the ‘actual talks’ of the All-Inclusive Political Dialogue (which had resemblances with a National Dialogue) was not inclusive, despite representation of the ruling and opposition parties, rebel groups, state administration and civil society. About 80% of the participants were closely affiliated with the ruling parties, and the process was regarded as initiated and owned by President François Bozizé (Sguaitamatti 2008, 28-33).

4.1.3 Inclusivity and legitimacy

The question of the democratic legitimacy of the various parties engaged in National Dialogues has been the subject of study in a number of publications. Opposition movements are often formed out of popular social movements and are not democratically elected, so the question of how these parties derive their legitimacy to represent certain sections of society is a serious concern.

This legitimacy gap is even more severe with established political parties. The Arab Spring in the Middle-East and North Africa aimed to overthrow governments that the public perceived as illegitimate. In transition processes these “old” elites manage to secure seats via their established ruling parties. In **Yemen**, although one of the central demands of the popular movement was President Saleh’s retirement from active politics, he managed to control his party through his loyal followers. This is not to say that old elites should not be included in a National Dialogue – on the contrary, all who have the potential to spoil a process, or who are inevitable for the success of the implementation, should be part of the process. Mixed procedures of self-selection by the groups and nomination can be a way to at least partially deal with this dilemma.

4.1.4 Inclusivity and power: sufficient enough consensus?

Devon Curtis (2015) rightly points out that participation does not necessarily lead to power-sharing. Even the most inclusive processes, such as in South Africa, were exclusive in nature when it came to crucial questions of statebuilding. An understanding that not all decisions could be made with the participation of all CODESA members led to the decision-making principle of “sufficient consensus” and an incremental design of inclusivity. When the broad CODESA negotiations failed, the main belligerents – the National Party (NP) and the African National Congress (ANC) decided to reach a bilateral “sufficient consensus” first before taking their ideas to a wider space, where the main societal groups could finally reach a consensus. In terms of efficiency, the formula of “sufficient consensus” is a useful principle for political bargaining procedures, but in terms of democratic procedures and equal participation, it is quite problematic. The expectations of members involved in highly participatory processes are that they can actively co-shape and co-decide the trajectory of the future state and society. It is imperative that ‘elite-deal-making’ be integrated into the larger process in order for the agreement to be sustainable and in turn, effective. To prevent the risk of the broader masses feeling deluded and disempowered, it is therefore important to be transparent about the limitations of collective decision-making processes from the outset.

4.1.5 Inclusivity and ownership

If we look at National Dialogue processes around the world, the regional or international influence of the processes is immense. In most cases the mandate is partly drawn from international agreements, such as the Gulf Cooperation Council agreement in Yemen’s case or UN Security Council decisions. In other cases, the UN or intergovernmental organisations such as the African Union (AU), the Organisation for Economic Co-operation and Development (OECD) or the Intergovernmental Authority on Development (IGAD) are involved in the processes to either support or to determine the parameters of the Dialogue. Instruments of international sanctions are sometimes employed to increase leverage and ensure broader inclusivity or to force elites to broaden participation. While some argue that external intervention may be harmful for the legitimacy and authenticity of a process that is essentially national, others see no other alternative, particularly in authoritarian, illiberal contexts where international intervention may be required in order to empower the marginalised and enhance inclusivity. The globalised nature of local and regional conflicts and the brutality with which these wars are waged evokes the notion of the international community’s “responsibility to protect”; however, it is equally important to ensure local stakeholders are drivers of these processes and not mere “puppets” of the international community. This is important both for the sustainability as well as for the legitimacy of the National Dialogue and its participants.

5 Conclusion

According to Heibach, National Dialogues can be understood as an “argumentative interaction of political elites in the framework of an institutionalised or non-institutionalised process outside a constitution or established associations that aims at engaging as many relevant actors as possible on a national level in negotiating socio-political issues relevant to the whole society”⁶ (2011, 78). This paper has argued that National Dialogues, much more than providing a platform for elite interaction, can offer participating members of society – many whom were previously excluded from such processes – the opportunity to co-shape and co-design their future and that of their children if their inherent and context-specific dilemmas and trade-offs are properly understood and taken into account.

While National Dialogues hold the promise of a participatory mechanism, this not true *per se* for all processes as our case examples have shown. National Dialogues can have over 500 participants in the case of Yemen or more than 1,000 as in Afghanistan and still not be representative if the ultimate decision-making power hardly rests with these participants. This demonstrates again that inclusivity should not be considered inherent to National Dialogues but must be constantly and actively planned, implemented and guaranteed.

Finally, there are also some (desirable) limits to inclusivity. The concept of “inclusive enough” for instance argues that spaces of political decision-making are rarely inclusive in absolute terms. Hence, a decision must be made regarding what types of actors need to be present to make a space “inclusive enough”. Ultimately, the question of who should be included and at what stage depends very much on the objective of the Dialogue. If the goal is to achieve short-term relief as a crisis management tool, then it might not be wise to include broader sections of society, but rather limit participation to those who matter most for that particular purpose. If the aim of the Dialogue, however, is to redefine the state-society relationship with a clear objective of achieving a new social contract, then it is crucial to include wider representations of society.

⁶ This quote was originally in German; it was translated for this text by the authors.

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