



Federal Foreign Office

Berghof Foundation

# National Dialogue Handbook

## A Guide for Practitioners

In cooperation with



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A Guide for Practitioners

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## Foreword

In conflict situations, National Dialogues present a valid way to overcome internal rifts and to rebuild relations between the state, its institutions and different groups in a conflict-torn society, to ideally reach a new social contract between the various interest groups to the conflict. Over the past decade, National Dialogues have thus gained considerable importance as platforms for peaceful transformation. Germany and Switzerland have supported National Dialogues in a number of countries, including Yemen, Lebanon and Sudan.

An example for a successful National Dialogue is Tunisia, where the Arab revolutions began. The main civil society organizations behind this National Dialogue, the so-called Quartet, received the Nobel Peace Prize in 2015 for building the political basis for profound constitutional and institutional reform.

The Berghof Foundation has authored this National Dialogue Handbook in cooperation with swisspeace. It is the result of an in-depth study to which many stakeholders and scholars have contributed. The support of Germany and Switzerland in the development of this National Dialogue Handbook underlines the strong commitment of both countries to resolve violent conflict through peaceful dialogue processes. This joint effort also illustrates the close partnership and cooperation between our two countries in the field of peaceful conflict transformation. It further reflects the belief that conflict resolution processes must be as inclusive as possible, involving a broad range of political actors and extending beyond a limited set of political players to include society at large. During political transitions, societal needs and interests have to be taken into consideration in order to achieve acceptance by the population. This rebuilds social bonds and allows progress towards national reconciliation. Like other conflict resolution mechanisms, National Dialogues carry the risk of being abused for short-term political gain. To prevent this from happening, we must seek to improve the structure of ongoing as well as future National Dialogues.

By supporting the publication of this National Dialogue Handbook, both Germany, through the Federal Foreign Office, and Switzerland, through the Swiss Federal Department of Foreign Affairs, hope to contribute to a better understanding of the opportunities and challenges of National Dialogues. This Handbook is meant to be one of the first practitioner-friendly reference guides on the subject incorporating analytical depth, lessons learnt and policy guidelines. We hope it will be of good use to stakeholders engaged in National Dialogues.

A handwritten signature in blue ink, appearing to read 'Rüdiger König'.

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# PART I

# Introduction

Grounded in a series of contemporary case studies, this Handbook aims to contribute to the nascent debate about National Dialogue, bringing together insights and expertise from diverse regions. In doing so, it seeks to present systematic reflections and offer practical advice. The Handbook thus

supports conflict stake-holders and practitioners (both local and international) to grapple with the challenges they face and to pursue the most appropriate design for their particular context. Moving beyond simplistic approaches, the Handbook also seeks to provide an overview of National Dialogue processes, drawing from the expertise and practices of scholars and practitioners. The purpose of the Handbook is twofold: (1) to offer an analytical framework of National Dialogues and (2) to serve as a practical tool for those engaged in the implementation of these processes.

This Handbook thus offers a unique practice-oriented resource guide for comprehensively designing, implementing and supporting National Dialogues.

**Why a Handbook on National Dialogue?** Over the last decade, National Dialogues have come to be seen as a critical tool for the prevention of violent conflict and for managing political crisis and transitions. But while they may be widely discussed among national governments, opposition parties, civil society groups and armed movements, as well as in international policy, practitioner, diplomatic and donor circles, their popularity has to date not been matched by conceptual clarity. Few resources exist to offer sound and grounded guidance and practical support for those who are exploring National Dialogue as a possible way to move beyond political deadlocks, divisive conflict scenarios, or tumultuous periods of transition.

As leading organizations in the study and practice of Systemic Conflict Transformation, the Berghof Foundation and swisspeace have been approached on multiple occasions by conflict parties and international actors to offer tailor-made support to National Dialogues. Yemen, Lebanon and Sudan are cases in point in which the Berghof Foundation has been engaged for a number of years supporting the design, conduct and implementation of National Dialogue processes with the support of the Federal Foreign Office, Germany. Similarly, development actors, in particular the World Bank, have sought our advice to increase the effectiveness of their support aimed at strengthening National Dialogue processes. The Berghof Foundation and swisspeace have also served the diplomatic community through in-depth discussions on lessons learned about how to calibrate political support for National Dialogues.

## The Handbook offers

- **Insights on concept and practice** of National Dialogues
- **Practical guidance** on process design
- **Systematic reflection** on key dilemmas
- **Detailed country mappings**
- **Process design tools** and graphic visuals
- **Policy recommendations**, including for external supporting actors

The increasingly wide array of needs expressed by an equally broad range of actors in search of adequate and effective process support prompted the development of this comprehensive guidance grounded in the most in-depth collection of case studies to date.

**Whom does this Handbook serve?** This Handbook provides guidance to those engaged in (and sometimes overwhelmed by) rapid transition processes. Aimed at both internal and external actors who seek to plan, conduct, implement and support National Dialogues in an effective and efficient manner, it focuses less on whether and more on how to conduct and support such a process. It also assists those undertaking dialogue efforts by pointing to past cases, allowing them to learn from the mistakes and avoid shortcomings. It addresses the role of external actors and how they could support National Dialogue processes, but it is focused primarily on the experience of local stakeholders and aims to address their expressed needs. It is they who are in the driver's seat when it comes to decisions on the design, conduct and implementation of National Dialogue processes.

**Key stakeholders and insider mediators** have distinct but complementary roles to play in moments of political crisis and change processes. Key stakeholders include conflict parties and political actors, who determine the direction of political processes. Insider mediators assume an enabling function, setting the stage and establishing a platform for seeking common ground for constructive engagement. This Handbook caters to the needs of both in a manner that fosters an understanding of complementarity. In line with this approach, key stakeholders and local influentials/insider mediators were primary stakeholders in the research methodology and the development of case studies.

Insider mediators are actors intrinsic to the conflict context and with mediative capacities. They have in-depth knowledge of their local contexts, a high level of personal commitment and the ability to access and influence formal and informal structures.

**Practitioners, international organizations and the diplomatic community** are involved in National Dialogues through a range of functions that are explored in more depth in the following chapters. These functions include helping to create a conducive environment and providing expertise, political support and logistical or financial support. The key challenge is to calibrate external engagement in an effective, sustainable and conflict-sensitive manner that does not compromise national ownership. The Handbook furthermore makes the distinction between political and development actors, each of whom comes with their own means of support as well as challenges. The quality of the relationship between development actors and National Dialogues is still fairly under-explored in the literature. The Handbook thus considers itself a starting point for supporting and elaborating on such actors' engagement in National Dialogues.

**How to use the Handbook?** National Dialogue experiences suggest an emerging field of study for which the Handbook seeks to provide the most comprehensive accounts to date. It uses a twofold approach: (a) providing a conceptual framework to understand National Dialogues; and (b) informing practice through reflections on process design and external support options that draw directly on detailed case studies from different regions around the globe. The Handbook is structured as follows:

## Part I

### Conceptual framework

**Chapter 1** puts forward a **definition of National Dialogue**.

It introduces the National Dialogue Framework to help readers understand the institutionalization of these efforts. It also clearly differentiates National Dialogue from other commonly utilized conflict transformation mechanisms such as negotiations and mediation. It furthermore explores the similarities and differences between National Dialogues and constitution-making processes.

### From concept to practice: Process design options and practical considerations

**Chapter 2** is the first of three chapters that explores different phases of National Dialogues, beginning with the **preparation phase**.

It addresses questions such as:

- ≡ How are National Dialogues prepared?
- ≡ What institutions and mechanisms are required to set the groundwork for a National Dialogue? How are these set up in practice? What key aspects should be considered in this initial phase?
- ≡ What common pitfalls and challenges arise during the preparation phase?

**Chapter 3** explores the **process phase** when a National Dialogue is formally constituted. It answers questions such as:

- ≡ How are National Dialogues designed?  
How are National Dialogue processes conducted?
- ≡ What institutions and mechanisms are required for the conduct of a National Dialogue? How are these set up in practice? What key aspects should be considered during the conduct of a National Dialogue?
- ≡ What common pitfalls or challenges arise during the process phase?

**Chapter 4** discusses the **implementation phase**, looking at National Dialogue outcomes and their implementation.

It answers questions such as:

- ≡ What do National Dialogue outcomes look like? How are National Dialogue outcomes implemented and monitored?
- ≡ What institutions and mechanisms are required to implement outcomes? What key aspects should be considered during the implementation of outcomes?
- ≡ What common pitfalls or challenges arise during the implementation phase?

**Chapter 5** focuses on the **role of external actors**, discussing the different roles of external actors as well as opportunities and challenges related to their support. The chapter also provides an overview of potential fields of support for external political and development actors.

## Concluding reflections

**Chapter 6** analyses common **dilemmas that arise in the practice** of National Dialogues. The chapter explores the impact these dilemmas can have on the conduct of National Dialogue, and distils final observations. It also includes **key parameters** for a successful National Dialogue process.

## Part II

## Case studies

This section presents selected case studies of National Dialogues and similar processes from around the globe for reference purposes.

The Handbook's chapters can be read successively or each as a stand-alone section, depending on the reader's primary interest. Relevant process tools as well as graphics for illustration are included under the specific thematic section. Read from front to back, the text provides a thorough overview of stages, challenges and complexities involved in these processes. The Handbook includes a large number of examples, often compiled in text boxes and graphics. Most of these examples draw on in-depth case studies completed for the Handbook and included in Part II, the sources of which are listed in the respective reference section. For easier readability, the specific dates of National Dialogues are only mentioned for processes that are not covered in detail in Part II.

**The methodology** of the Handbook is based on an original and participatory research approach, primarily drawing on the experience of stakeholders and experts with first-hand experience in National Dialogues. The Berghof Foundation, in cooperation with swisspeace, has consolidated its extensive experience in supporting National Dialogues and other transition processes through a range of methods. These include detailed case studies of Guatemala, Lebanon, Libya, Mali, Nepal, Sudan, and Tunisia, which were drafted by small teams of mainly local experts and insiders who were engaged first-hand in these processes. Some of the processes have been called National Dialogues by those engaged in them, others not. What guided the selection of the cases was not the classification of any of the processes as National Dialogues per se, but rather engagement with key features and interesting aspects that can facilitate comparative learning on the topic. Each case study also included field research visits by the Berghof Foundation or swisspeace to further consolidate the findings and feed these back into ongoing processes. This led to a two-way flow of information and contributed to the highly participatory environment from which the Handbook greatly benefited.

Detailed case studies were complemented by thematic studies, a comprehensive mapping exercise of National Dialogues and similar processes in different regions, active participation in expert consultations on National Dialogues and exchanges with the project's Advisory Group. International experts, technical teams and UN special advisors were also mobilized as part of the Advisory Group to critically reflect on the content of the Handbook, making sure it covers all relevant questions.

# Chapter 1

# Defining National Dialogue

## Contents

19	1.1	National Dialogue: What's in a name?
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# 1 Defining National Dialogue

This chapter sets out the conceptual framework of the Handbook. To date, many open questions and ambiguities remain with regard to the concept of National Dialogue. Much of the existing knowledge is case-specific and anecdotal. This Handbook pulls together different strands of practice that emerged in response to political developments in different parts of the world, ranging from Africa, to Europe, the Middle East and North Africa (MENA), and Latin America. Most recently, the turbulent developments in the MENA region, often referred to as the Arab Spring, reflected a profound questioning of the legitimacy of governing institutions by an increasingly emancipated population. This pressure from below has pushed narratives of ‘inclusivity and ‘participation’ centre stage and National Dialogue (re-)emerged as a suitable format in this context. In addition, the increasingly complex nature of conflicts calls for formats of dialogue that involve a broad range of stakeholders in order to address the multi-dimensional causes of conflict.

Also relevant for understanding the growing popularity of National Dialogue is the limitation of securitized approaches that involved large-scale foreign (military) interventions to bring political stability; Libya, Syria and Iraq being cases in point. The onus of conflict resolution has therefore recently shifted from the international to the national level. Moreover, National Dialogues emerged in response to the desire to protect national sovereignty as well as to scepticism about internationally directed interventions in many parts of the world. This has placed emphasis on political solutions with more robust national ownership. Against this background, National Dialogue practices emerge as a viable mechanism for conflict transformation able to accommodate different demands made by national and international stakeholders. As a result, National Dialogues have been used but also abused in the service of achieving a multitude of objectives, which range from the preservation of the status quo (‘fig-leaf processes’) to initiating genuine change.

First, this chapter puts forward a definition of National Dialogue. Second, the National Dialogue Framework is outlined, capturing the main elements such processes across the world have in common. Third, the chapter attempts to situate National Dialogue in a larger framework of conflict transformation mechanisms, identifying its peculiarities vis-à-vis negotiation and mediation. Fourth and last, the relationship between National Dialogues and constitution-making is analysed, exploring their similarities as well as their differences and further demarcating National Dialogues from other tools.

## 1.1 National Dialogue: What's in a name?

Arriving at a definition for National Dialogues begets considering the context in which they emerged. It is important to note that they are neither a new phenomenon, nor one confined to the Global South. National Dialogues are largely connected to four historical waves of political transition, the first three of which can be seen through the wider lens of 'Third Wave Democracy'.<sup>1</sup>

- ≡ First, in order to grapple with the major political upheavals caused by the breakdown of communism in Eastern and Central Europe in 1989, Poland, Hungary, Czechoslovakia, (East) Germany and Bulgaria held a series of round-tables, opening democratic politics to newly emerging actors and agendas.
- ≡ Second, widely felt discontent with the growing gap between citizens and the ruling elite in Africa, amid raised awareness connected with the bicentennial of the French Revolution, led a number of Francophone-African countries to hold National Conferences in the early 1990s.
- ≡ Third, during the 1990s many countries across Latin America held consensus-based constitution-making processes in an attempt to strengthen participatory governance and development. The processes by which agreement on constitutional elements were reached, as in Bolivia and Colombia, reflect key features of National Dialogues.
- ≡ Fourth, the emergence of National Dialogue today is inextricably linked to the events of the Arab Spring in the broader MENA region.<sup>2</sup> Spreading from one country to another, National Dialogues (or similar processes) have taken place in Morocco, Libya, Tunisia, Egypt, Sudan, Lebanon, Jordan, Bahrain, and Yemen, each with a varying degree of success.

## National Dialogues in the Middle East and North Africa



Figure 1.1 National Dialogues and similar processes in the MENA region

**There are common elements in all these processes.** First, they use dialogue as a tool to manage complex change processes. Second, they include a broader range of national stakeholders and address a broader range of issues compared to the elite agreements common at that time. Although each process responded to a unique set

*National Dialogues seek “to expand participation in political transitions beyond the political and military elites”.*

Papagianni (2014, 1)

of challenges, they all offered the promise of a transition away from elite deal-making towards more inclusive and participatory politics. As Planta et al. (2015) demonstrate, however, this shift cannot be assumed *a priori*. They argue that for a National Dialogue to be inclusive, this premise or

objective has to be actively woven into every step of the process. In practice, “the instruments of change are vulnerable, just as the conflict is” (Siebert quoted in Turtonen and Linnainmäki 2015, 7), making it all the more important to constructively navigate through this reality. Moreover, there are no blueprints, templates or tool boxes available to design National Dialogues process. The premise of each conflict transformation tool and its objectives must be deeply rooted in the context in which it seeks to support change.

**When and why do National Dialogues take place?** National Dialogues are set up in response to different situations. They take place to address crises of national importance that have repercussions for the whole of society. These can be severe political deadlocks or blocked political institutions. In these situations, they seek to ease tensions, to reach political agreement or even to (re-)establish a (new)

National Dialogues are a response to crisis of overarching national importance.

ownership within a new (political, economic, social) system, seeking to establish new institutions and to negotiate a (revised) social contract between the state and its citizens. In these contexts, “[d]eveloping socio-political processes that can serve as ‘containers’ to resolve these disputes peacefully is crucial and becomes the experiential basis for deeper institutional reform and nation building” (Barnes 2017, 7).

institutional framework, fulfilling a crisis management function. National Dialogues also take place as part of the process transitioning away from civil war and after political transitions when old political institutions are delegitimized and more comprehensive mechanisms are needed. In this function, National Dialogues generate

National Dialogues are put in motion in transition contexts when old institutions are delegitimized and a new social contract between state and society is needed.

For the purpose of this Handbook, we define National Dialogues as follows:

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National Dialogues are 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.

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**What are the objectives of National Dialogues?** Depending on the context, National Dialogues can be used or developed over time to fulfil a range of objectives. They may focus on a more narrow set of specific or substantive objectives (i.e. security arrangements, constitutional amendments, truth commissions, etc.), or on broad-based change processes, which may entail (re)building a (new) political system and developing a (new) social contract. Importantly, while many types of processes may reflect distinct uses or categories of dialogue, this Handbook distinguishes between two main types of National Dialogue, identified according to the function they seek to fulfil:

### **National Dialogues as mechanisms for crisis prevention and management**

- ≡ A shorter-term endeavour, undertaken strategically as a means to resolve or prevent the outbreak of armed violence

- ≡ Key aims: breaking political deadlocks and re-establishing minimal political consensus, while further reform and steps toward change can be negotiated
- ≡ Noteworthy example: Tunisia
- ≡ Key characteristics: with more limited mandates, these tend to be smaller in size and shorter in duration. They are often easier to manage due to the restricted number of actors who may be involved, but also may reflect a less inclusive structure, whereby broad-based societal buy-in for desired changes can be difficult to generate.

### National Dialogues as mechanisms for fundamental change

- ≡ Efforts with a longer-term trajectory, envisioned as a means to redefine state-society relations, or establish a new ‘social contract’
- ≡ Key aims: far-reaching institutional and constitutional changes
- ≡ Noteworthy example: Yemen
- ≡ Key characteristics: broad mandate and often fairly large in size. Seeking to include large strata of society and generate widespread support. They are confronted with the challenges of managing large-scale processes.

Crisis prevention/management and fundamental change represent ideal types of National Dialogue, although in reality processes may exhibit features of both. Also, the distinction should be understood as a fluid one, as the function of a process may change over the course of its life cycle. A process might start as a temporary crisis management mechanism and end up in far-reaching change. This notwithstanding, the value of distinguishing between two main types is to delineate contextual appropriateness and functional advantages in order to guide effective design.

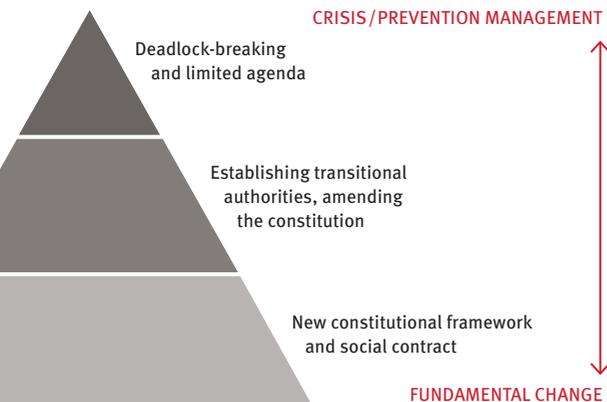


Figure 1.2: Functions and objectives of National Dialogues

Whether a process serves primarily as a mechanism for conflict management or as a mechanism for fundamental change also depends on the initial mandate that has been negotiated between the main stakeholders. As is often the case in asymmetrical conflicts, the ruling elites may prefer to engage in dialogue with a reduced objective, corresponding to the first type of National Dialogue (crisis prevention/management), whereas opposition groups may opt for

the second type (fundamental change), as they seek more profound transformation of the institutional order and system of governance.

## 1.2 How are National Dialogues structured?

**National Dialogues pass through three successive phases:** Preparation, process and implementation. Within each phase different functions need to be developed into an institutional set-up. This is what we call the National Dialogue Framework. Once the objectives of the National Dialogue have been agreed upon, the next task is to translate these into corresponding institutions and procedures. Each decision will be informed by a range of technical, managerial, and power/political demands and considerations. There is no such thing as the one-size-fits-all or ‘correct’ format. Rather there are multiple options that help to address challenges and dilemmas. Like a cog in a wheel, each decision on process design will inform the way the overall system runs. Thus, each aspect demands thorough attention, strategic consideration, and honest assessment in order that informed decisions can be taken that consider the risks and opportunities involved and are based on a sound conflict analyses.

**The phases of National Dialogues:** Each process starts with a preparation phase. Sometimes the distinction is made between an exploratory and preparatory phase, though in practice this distinction is often negligible. Starting a National Dialogue will inevitably entail thorough conflict analysis, fact finding, establishing political will and positions, and gathering support. Once sufficient political will and/or momentum has been generated, some sort of formal public announcement will initiate official preparations, often conducted within bodies set up specifically for that purpose. The preparation phase can be as long as or even longer than the official process, and it often constitutes a mini-negotiation process in itself. Once all parameters have been negotiated – and, ideally, a consensus on the proceedings has been established – the process phase begins. Once an outcome has been reached, the implementation phase commences. For the purpose of clarity, this Handbook distinguishes between these phases, each of which is covered in a dedicated chapter. In practice, however, the transition from one phase to another is often fluid, non-linear and often interrupted and reinitiated.

**The institutional framework and structures of National Dialogues:** Each National Dialogue will have its unique structure corresponding to the highly context-specific needs and aim of each process. However, similarities can be detected. This structure tends to respond to a core set of functions: preparing the process, overseeing the process, providing technical support, facilitating broad-based/representative decision-making and generating substantial thematic input, often organized around working groups and subcommittees. Often, deadlock-breaking mechanisms or safety nets are also built into the overall structure, as well as fact-finding bodies that can be initiated early in the preparation phase. This is what we call the National Dialogue support structure.

## National Dialogue Framework

### PREPARATION PHASE

Formal or informal initiatives can engage in initial preparations, reach out to probe political positions.

*Contact Committee (Yemen)*

### PREPARATORY COMMISSION

Main body preparing the process. Defines or decides on

- ≡ The objective and agenda
- ≡ The structure of the process
- ≡ The criteria for composition and selection procedures for participants
- ≡ The selection of a chair
- ≡ The decision-making procedures
- ≡ The support structures
- ≡ The logistics, funding and security

*Preparatory Commission (CAR), Drafting Committee (Afghanistan), Preparation Committee (Benin), High Preparatory Commission (Iraq), Consultative Meeting (Sudan), Preparatory Meeting (Poland)*

### PROCESS PHASE

#### CONSENSUS COMMITTEE

Body to resolve outstanding and controversial issues. Functions as a deadlock-breaking mechanism. Sometimes this function is taken on by other bodies and/or informal structures.

*Revision Committee (Bahrain), Consensus Committee (Yemen), Reconciliation Committee (Afghanistan)*

#### SECRETARIAT

Technical support to the process, including administration, documentation and financial management. Can be tasked with informing and consulting the public.

*Secretariat (Afghanistan, Yemen), Technical Organizational Committee, plus Technical Secretariat (CAR), Presidential Agency (Colombia), Peace Secretariat (Nepal)*

### **PRESIDIUM**

Oversight body to manage, chair and coordinate the process.\*

*Presidium (Benin, Mali), Leadership Bureau (Afghanistan), Presidency (Bolivia, Colombia), High Coordination Committee (Sudan), Presidency (Yemen)*

\*In less formalized processes, the chair/facilitator can assume such a function, as the Quartet did in Tunisia

### **PLENUM**

Central discussion forum, which includes all direct participants to the process. Functions as main decision-making body.

*General Assembly (Afghanistan), General Committee (Bahrain), Plenum (Iraq), Plenary Assembly (Mali), Plenary Roundtable (Poland)*

### **WORKING GROUPS**

Smaller fora working on specific thematic issues.

*Working Groups (Afghanistan, Yemen), Working Teams (Bahrain), Working Commissions (Benin, Bolivia), Thematic Groups (CAR), Working Commissions (Guatemala), Main and Sub-Tables (Poland), Committees (Sudan), Technical Committees (South Africa)*

## **IMPLEMENTATION**

The experience of the process can lead to a range of intangible outcomes, such as changes in attitudes and relationships, as well as increased public awareness/knowledge on key issues.

### **OUTCOMES**

- Political change
- Constitutional change
- Human rights regulation
- Security transition
- Social and economic reform
- “Dealing with the past” and transitional justice mechanism

### **Infrastructure for Implementation**

### **Guarantees and Monitoring Mechanisms**

### **Follow-up Dialogue Forums**

### 1.3 National Dialogues and other mechanisms for conflict transformation

National Dialogues are only one way to address political crises and violent conflicts. Change processes, whether peace processes, political transitions or processes to prevent or manage a political crisis, tend to incorporate a range of different methods and mechanisms, including mediation and negotiation. While the distinction is already fluid in theory, in practice many overlaps exist. This notwithstanding, each has defining characteristics and nuances that allow distinctions to be made between mechanisms. What then do we mean when we talk about negotiation, mediation, and National Dialogue? The ability of internal and external actors to respond effectively to conflict situations is too often seen as “hampered by a lack of knowledge about the relative merits of different methods” (Bercovitch and Jackson 2001, 14). Therefore, getting a clear picture about the benefits and shortcomings of each – negotiation, mediation or National Dialogue – allows conflict stakeholders and practitioners to select the most appropriate mechanism for a particular conflict context.

For this purpose, Figure 1.3 below outlines each mechanism and illustrates key characteristic and nuances.



Negotiation can be broadly defined as a process by which states and/or other actors engage each other directly, without the assistance of a third party, to exchange proposals in an attempt to reach agreement around a matter of interest or way forward in the context of a dispute or conflict.<sup>3</sup> **Includes the main parties to the conflict.** Can take place at all levels of society. **No third party** engagement as facilitators in the negotiation process.

**National Dialogues are 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. Includes a broad range of national stakeholders, including the main parties to the conflict.** The main process takes place at the Track 1 level, but includes participants from all tracks. Usually nationally **organized and chaired**. External actors focus on support functions.

“Mediation is a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements.”<sup>4</sup>

**Includes the main parties to the conflict** and ensures the views and needs of other stakeholders are integrated into the process through different modes of participation. Mediation takes place in different forms at different levels of society (Tracks 1-3). **Active third party** engagement as facilitators or mediators. Impartiality is often cited as the key guiding principle. The degree of involvement differs depending on the mediation approach used.

Figure 1.3: Defining characteristics of and differences between negotiation, mediation and National Dialogue

In practice, any sustainable solution is likely to require a combination of methods and processes. It is not uncommon that one process sets the stage for others. For example, a National Dialogue can take place before or after a negotiated or mediated peace process. A National Dialogue may also take place in parallel to a mediation process. Such a parallel process allows for consultations with broad sectors of society while a mediation process is ongoing. Even within a single National Dialogue the modus operandi can fluctuate substantially between different methods: due to low levels of trust, external mediation can be crucial during the preparation phase. Likewise, when key political decisions have to be taken, key stakeholders may revert to negotiations behind closed doors. Thus, a single National Dialogue is likely to make use of different mechanisms to navigate through specific contexts.

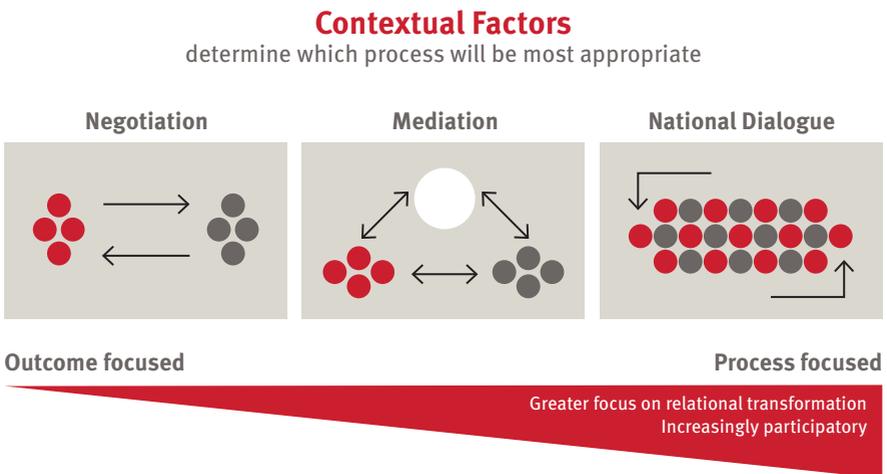


Figure 1.4: Different settings and foci of negotiation, mediation and National Dialogue

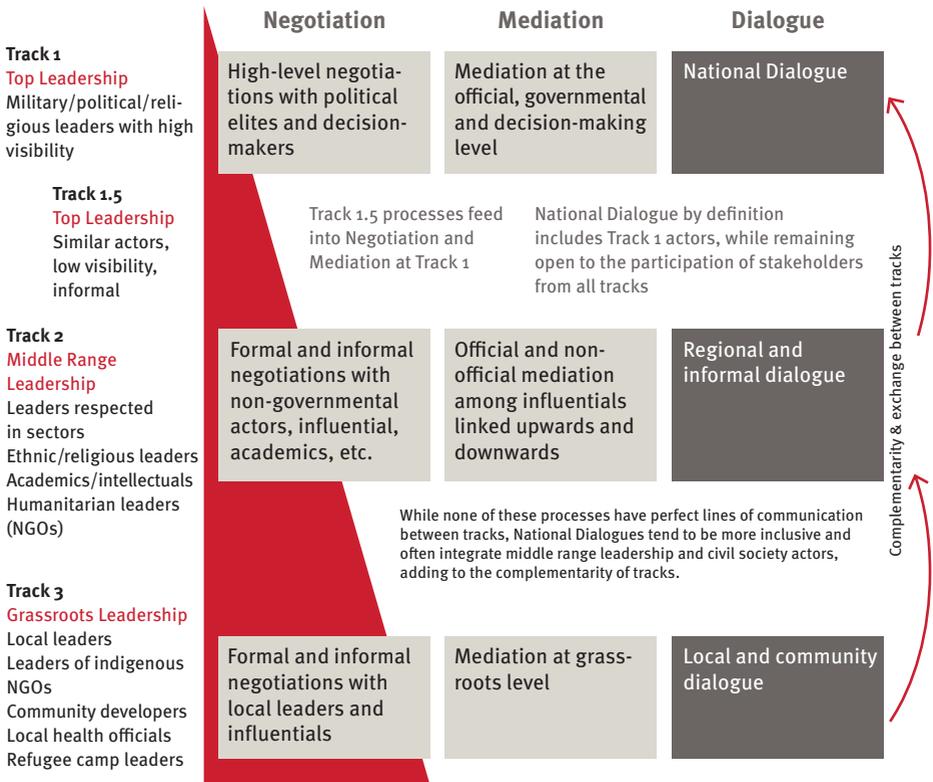
**National Dialogues connect different layers of society.** Different mechanisms target and include different layers of society, generally referred to as ‘Tracks’. Track 1 refers to engagements that occur at the top political/military leadership of a country, including leaders of main (armed) opposition groups. Less public or visible participation in high-level discussions by influential interlocutors (or official leaders in unofficial spaces and capacities) are referred to as Track 1.5. The latter often play a distinct role in change processes: able to engage in lower-profile conversations, they tend to be freer to explore ideas, prepare the ground, generate options and keep communication channels open if or when these break down at the official Track 1 level.

Track 2 involves discussions among important societal actors who have channels of communication ‘upwards’ to Track 1 actors, while also having influence ‘downwards’ to the grassroots level. Track 2 actors include religious leaders, intellectuals,

and middle-range leadership. Grassroots actors, such as local leaders, leaders of indigenous NGOs, or community developers, constitute a third layer called Track 3.

Negotiation, dialogue and mediation processes can take place within a single track or across different ones. A practical challenge is how to link different tracks. This is important, because when key decisions are taken at Track 1 they need to be anchored in society. Similarly, it is important that official processes respond to demands made by social movements and other change actors. A key strength of National Dialogues is that they include leaders from all three tracks in one process. National Dialogues thus enable interaction and relationship-building between elites and other social strata.

## Comparing Negotiation, Mediation and Dialogue Across Tracks



Based on Lederach's track model, Lederach (1997)

Figure 1.5: Comparing negotiation, mediation and dialogue across tracks

**National Dialogues are self-organized and self-facilitated processes by national actors.** As mentioned before, the role of external third parties in National Dialogues is different than in mediation. Negotiations, by definition, take place without direct third-party involvement. Mediation usually involves international or national actors acting as third parties. National Dialogues, however, are organized and facilitated by internal third parties (often ‘insider mediators’) or other national actors, often with an elaborate structure to help chair and oversee the process (→ 3.2). National Dialogues are particularly apt in an environment where scepticism about external actors is high. In practice, externals have often been involved in supporting National Dialogues in various functions and phases (→ *chapter 5 on external actors*). However, the principle of self-organization means that national stakeholders are in the driving seat when it comes to designing, conducting and leading National Dialogues.

**National Dialogues are process-oriented.** Negotiation and mediation often prioritize outcomes and agreement; negotiation especially focuses on “goods or rights that can be divided, shared or defined in tangible ways” (Saunders 2001, 85). While tangible outcomes are also important in National Dialogues, the process by which these results are achieved constitute its defining characteristic. National Dialogues are consensual decision-making arenas that put dialogue and trust-building at the centre of the process. This does not mean parties do not have to see their interests being met. However, the use of consensus can be a powerful experience for conflict parties. Consensus orientation helps prepare the ground for changing relationships, for more collaborative engagement and for mutual respect.

**National Dialogues are broad-based, participatory processes.** National Dialogues include a broader spectrum of actors from society as a whole. Inclusivity is important in mediation as well, but National Dialogues are generally able to accommodate a broader range and a larger number of actors. While there is no standard or ideal size, dialogue groups can be small, such as the 12–55 participants in the Eastern and Central European roundtables, medium sized, as with the 565 participants in Yemen, or large, as was the case with the 1,600 or more participants in Afghanistan’s Emergency Loya Jirga.

## 1.4 National Dialogue and constitution-making<sup>5</sup>

Since the end of the Cold War, constitution-making has become part of the international peacebuilding agenda, trying to rebuild societies after armed violence.<sup>6</sup> This has changed expectations of constitution-making processes away from activities dictated by elite politicians and towards democratic exercises with broad participation.<sup>7</sup> While National Dialogue and constitution-making processes have some features in common, it is important to emphasize their distinction. Most importantly, National Dialogue processes are broader than constitution-making processes in terms of their aims and outcomes. Thus, the simplistic idea that National Dialogues are in essence constitution-making processes, or vice versa, should be avoided.<sup>8</sup>

## Understanding constitution-making

Constitution-making can be understood as a key process for democratization, statebuilding and peacebuilding. Constitutions provide the general structure around which institutions of governance are formed. Reforming or drafting a new constitution can help outline the vision of a society for socio-political change, consolidate the needs and interests of different social groups, define the fundamental principles of rebuilding the state, and (re)establish the basis of state legitimacy during political

and governance transitions. As a process, constitution-making can be seen to span more than just the ‘drafting’ of a constitution. In general, it would start after the demand for constitutional reform and carry through to the actual drafting phase, civic engagement, and implementation.<sup>9</sup> Constitution-making is thus an inherently open process, as illustrated by the figure below.

*Constitution-making after conflict [and transitions] is an opportunity to create a common vision of the future of a state and a road map on how to get there.”*

Samuels (2006, 664)

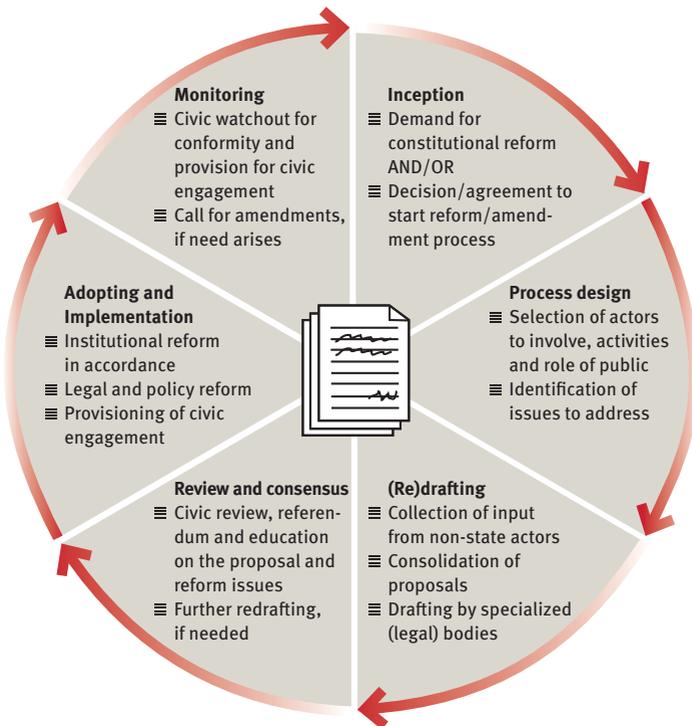


Figure 1.6: Phases of a constitution-making process

### Linking constitution-making and National Dialogues

There has been a trend since the end of the Cold War to render constitution-making participatory and inclusive of the public. In the cases of Afghanistan, Albania, Kenya, Nicaragua and South Africa, for example, the extensive use of public consultation has led constitution-making processes to closely resemble National Dialogues.<sup>10</sup> Constitution-making has supported, resembled, or contained elements of National Dialogue, while National Dialogue processes have facilitated or preceded a constitution-making process. National Dialogues have evolved as ways to try to overhaul constitutional frameworks that contribute to violent conflict, for example by functioning as forums for constitutional change.

However, since National Dialogues are usually extra-constitutional, linking them effectively to existing or transitional constitutional bodies is challenging.<sup>11</sup> Nonetheless, National Dialogues are apt at forging certain engagements with actors not represented within or by formal structures in ways that existing constitutional arrangements are not. They can establish the political and social environment conducive to legitimate constitution-making, and establish a procedural or substantive framework (or both) for a future constitution. Conversely, constitution-making processes may reinforce National Dialogues through anchoring the vision (or agreements) of the dialogue in a constitution. This mutual reinforcement is crucial to consider when one or the other process is initiated.

As elucidated above, the agenda and scope of National Dialogues is much broader than that of constitution-making processes. At the same time, the more a constitution-making process bears the hallmarks of a National Dialogue – i.e. nationally led, transparent, participatory and inclusive – the more it has the potential to become sustainable. To this end, the extensiveness of a National Dialogue in terms of including broad set of actors and topics is a useful stimulus for negotiation among stakeholders on constitutional principles. It also helps clarify stakeholders' commitment to the constitution-making process and encourage a political culture of multiparty consultation and cooperation.

In a broader sense, a strong National Dialogue that engages with political, economic and social issues can contribute to creating the necessary preconditions for sustainable constitution-making (South Africa, Tunisia, Benin). Through deliberation within a National Dialogue, agreement can be built on the root causes of societal issues and on how to address them. A National Dialogue may engage directly with procedural and substantive aspects of constitutional-making by, for instance, determining a process for future constitution-making or settling specific aspects of a constitution. The way in which National Dialogues operate can introduce practices that facilitate constitutional decision-making (South Africa, Benin) or contribute to overcoming impasses in a constitution-making process (Tunisia, Bolivia). During a constitution-making process, dialogue between key stakeholders is often essential to resolve underlying political problems that are blocking the process (Tunisia).

Despite many overlaps and complementarities, it is important to recognize the differences between National Dialogue and constitution-making. Constitutional processes usually occur in the context of established state institutions and processes, and are based on an agenda that is limited to constitution-making. Furthermore, unlike most National Dialogues, constitution-making processes lead to binding decisions on a proposed constitution or reforms/amendments.

### **Constitutional reform within and outside of National Dialogue: The role of legitimacy**

The ability of National Dialogues to promote effective constitutional reform hinges on the legitimacy of the National Dialogue process. If a process excludes important stakeholders or is perceived to serve the short-term political goals of the government, constitutional reform proposals are unlikely to gain traction. The same is true when National Dialogues put forth overly unrealistic constitutional reform agendas, which prove difficult to implement in practice. Further impediments are the lack of buy-in from political elites and dissociation from political realities. For example, in Yemen the agreement on federalism that was negotiated among Northerners, Southerners and representatives of the Houthi was adopted by the Comprehensive National Dialogue. However, the process was detached from political realities and thus had little traction. The success of the South African process that concluded in 1996 was largely due to agreement among elites. Moreover, if processes of National Dialogue and constitution-making run parallel but are disconnected, chances of failure are high. In Libya, for example, a constitution-drafting committee was elected a few years ago. Over the past years, Libyans have also attempted to set up National Dialogues on a number of occasions. There was obvious overlap, as National Dialogue was meant to feed into the drafting of a new constitution, but no mechanisms were considered for ensuring that the processes were mutually reinforcing and that competing visions of the constitutional future of the country could be discarded.

A constitution-making process, established under law and designed to be inclusive of the influential elites and civil society, can secure legal legitimacy. This in turn can make such a process be more likely than a National Dialogue to comply with generally accepted understandings of fair representation and the expectations of a democratic process. In turn, National Dialogues may amend or produce viable transitional or interim constitutions (Poland, South Africa), which are often intended to provide a bridge between an illegitimate and a more legitimate regime. Even though the process through which they are adopted is unorthodox due to their extra-constitutional nature, they are more likely to be acceptable since they are understood to be temporary.

## Learning from constitution-making (for National Dialogues)

The following insights from constitution-making processes may be useful for National Dialogues.

**1. Constitution-making processes are highly context-specific and not easily transferable.** Each constitution-making process needs to be tailored to the needs of its political and legal context and sensitive to the particularities of different communities. In addition to immediate political demands, the legal and political traditions of each jurisdiction influence what will and will not work. These factors largely apply to National Dialogues as well. A case in point is the Zimbabwean constitution-making process of 2008–12, which was largely modelled on the highly successful South African process. However, partly because one of the parties was not seriously committed to reform and was able to use force to influence public responses, that process unfolded very differently from its South African predecessor. Similarly, the Roundtable model was reproduced across Eastern Europe but worked less effectively than it did in Poland.

**2. Timing, sequencing and window of opportunity:** Both premature dialogues and premature constitution-making are unlikely to succeed. There is often significant pressure to adopt a new constitution, as in Iraq and Yemen. However, when the conditions for reaching a stable constitutional settlement do not exist, constitution-making should not be undertaken. Interim constitutions may fill the gap. Similarly, National Dialogues are not appropriate in all circumstances. Often, for a dialogue to be taken seriously and for participants to honour its outcomes (and the compromises they make) parties will need to have provided some concrete demonstration of their intentions in advance. Such confidence-building measures preceded the South African dialogue process. In Yemen, the preparatory committee for the National Dialogue Conference decided that the dialogue should not start until ‘20 Points’ were attended to by the government. The President agreed but most of the points were not addressed. This contributed to the political failure of the transition.

**3. Scale down ambitions and avoid fixing policy:** Both constitutions and the proposals of National Dialogues suffer from being overly ambitious. The constitutions of Brazil and Ecuador are examples of overly ambitious constitutions that placed unrealistic demands on the government. Similarly, National Dialogues may raise expectations which, when they are not met, foster cynicism and dissent.

**4. Build legitimacy and engage civil society:** There is broad agreement that constitution-making benefits from engagement with civil society: proper public participation generates legitimacy around the constitution-making process and its result. A similar approach is gradually developing with respect to National Dialogues. The importance of maintaining good contact with citizens and developing ways in which they can participate is usually recognized in large dialogues. It is less often embraced in smaller summit dialogues through which

political settlements are negotiated. In both constitution-making processes and political dialogues, some matters cannot be negotiated in the public spotlight. Nonetheless, increased openness and inclusivity may lead to outcomes that are more durable.

**5. Be aware of and channel self-interest constructively:** No dialogue or constitution-making process can avoid participants pursuing their own interests. The question is how to get participants to work for the common good. The design of the constitution-making forum is an important factor. For instance, if a legislature is used to draft a constitution, that constitution is likely to confer significant powers on the legislature. This reasoning applies to dialogues as well and is reflected in increasing pressure for summit dialogues to be more inclusive, thus reducing the ability of rival elites to reach agreements that take account of their own interests only.

- 
- 1 Huntington (1991) argued that, beginning with the 1974 Portugal revolution, there has been a third wave of democratization – describing a global trend in more than 60 countries throughout Europe, Latin America, Asia, and Africa undergoing some form of democratic transition.
  - 2 Following Huntington, the Arab Spring is sometimes deemed as Fourth Wave Democracy; see Howard and Hussain (2013).
  - 3 Definition based on Bercovitch and Jackson (2001, 25-26).
  - 4 Definition taken from the United Nations Guidance for Effective Mediation (2012, 4).
  - 5 This section is based on a study by Murray (2017) that was commissioned for the development of the Handbook.
  - 6 “In any given year, [...] some 4 or 5 constitutions will be replaced, 10 to 15 will be amended, and another 20 or so proposals for revision will be under consideration” (Ginsburg, Elkins and Blount 2009, 202).
  - 7 “From Nicaragua in the 1980s to South Africa in the 1990s and from East Timor in the 2000s to Iceland in the early 2010s, constitution makers have reached out to millions of citizens in an effort to draft national charters that enjoy maximum legitimacy and national ownership and that genuinely reflect the needs and aspirations of the people” (Gluck and Ballou 2014).

- 8 On this point, see Hart (2001) or Samuels (2006).
- 9 There are variations to this understanding of the scope of constitution-making. For example, USIP (2011) uses the broader term “constitution building”, which refers to the making and implementation of a constitution, which can encompass peace agreements, new laws and institutions, and civic education. The Interpeace handbook on ‘Constitution-Making and Reform’ (Brandt et al. 2011) sees both constitutional reform and implementation as beyond constitution-making. Nonetheless, this handbook is a key resource with comprehensive discussions about risks, opportunities and options for each phase of a constitution-making process.
- 10 On this point, see Gluck and Ballou (2014, 2).
- 11 One of the few exceptions is the case of Rwanda: “National dialogue has also become a permanent part of Rwanda’s political calendar. Article 168 of Rwanda’s 2003 constitution established the National Dialogue Council” (Murray 2014, 12). Additionally, in 2013, National Dialogues in Egypt, Bahrain, Lebanon, Yemen and Tunisia were specifically concerned with constitutional change.

## Chapter 2

# The Preparation Phase: Planning and preparing for a National Dialogue

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61	2.5	Building confidence
63	2.6	Key considerations for the preparation phase

*“It is important to remember that the exploration stage is in fact part of the dialogue process. The questions asked, the individuals with whom conversations are held (in what order and where these conversations take place), the expectations generated in relation to a future dialogue, all of these affect the situation in one way or another. By recognizing this as the exploration stage moves along, the conditions for a successful implementation stage improve, while building trust and credibility from the outset.”*

GS/OAS and UNDP (2013)

This chapter focuses on the preparation phase of National Dialogues, where the framework is set for the process to come. The chapter will first provide an overview of the crucial steps in the preparation phase, then discuss different options for its design, and finally present some further key considerations.

The preparation phase often constitutes a mini-negotiation process in itself. It is a time of negotiating beneficial framings for the process, as well as the relationship between the parties who will be ultimately deciding the feasibility of addressing the

**During the preparation phase a consensus is needed on core objectives, such as:<sup>1</sup>**

1. Preventing/stopping violent conflict
2. Rebuilding state-society relationships
3. Seeking to reconstruct the political system and the infrastructure following war

However, the details of how this will be done will be discussed during the actual National Dialogue process.

conflict through peaceful, political and dialogue-based means. The technical aspects related to this phase are significant and have implications for the later process. However, this phase is first and foremost a political bargaining process.

Before the National Dialogue is put in motion, the preparatory process will have to be developed, often with an institutional infrastructure of its own. The same procedures need to be applied to the preparatory bodies. Only after that details of the

process proper can be determined. What format is most suitable for preparing the National Dialogue? Whose voice is relevant? What should be the Terms of References for those bodies? Who should be involved in this process? Who should take final decisions? The choice of preparatory format is mostly determined by the aim of the process, the resources available, and the interests of the main stakeholders.

Skilful facilitation is required to move through this phase. In the end, a working consensus should emerge first and foremost on the central aim of the National Dialogue, as well as key principles.

## 2.1 Preparing the ground

Insider Mediators often play an important role during this phase in harnessing momentum for change and acting as bridge-builders between different parties and as capacity-builders in dialogue and consensus-building (→ 3.2 *finding a convener*). External factors, such as regional developments or pressure or incentives applied through the international community, can foster and speed up these processes.

Key steps during this phase are for members of the preparatory committees to gain a better understanding of the situation and the actors involved, and to prepare the ground. This includes the steps set out in Figure 2.1.

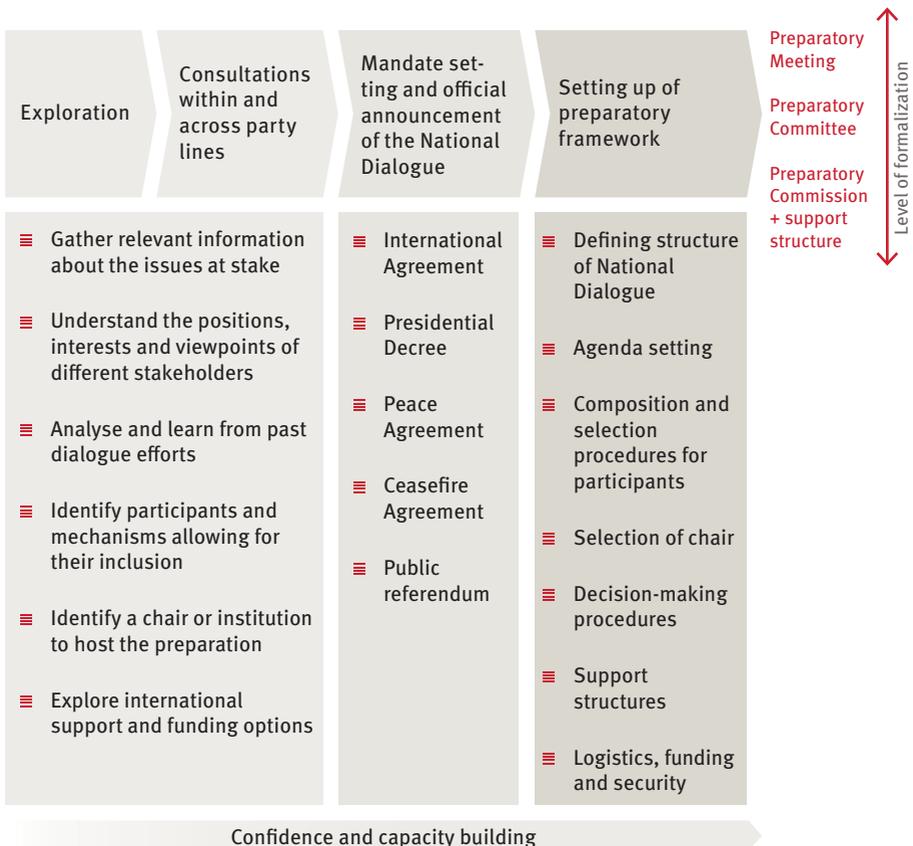


Figure 2.1: Crucial steps in the preparation of a National Dialogue

## 2.2 Initiating the process

National Dialogues can be initiated through a range of actors and forums. Often, those who call initially for a process are not those formally mandating it. The processes in the Middle East and North Africa Region followed the demands of popular street protests, were taken up by national (Tunisia) or international (Yemen) actors, and were later officially announced by the respective governments. Thus, the impetus for change can come from popular uprisings, which then lead to formalized mandates. The formal mandate can be given by different groups of actors as identified in the text box below:

### Mandate-giver

### Examples and reactions

**International or regional actors/ initiatives** (in collaboration with national actors) through **international agreements**

**The Yemen National Dialogue Conference** (2013–14) was formally mandated through the implementation mechanism of the Gulf Cooperation Council (GCC) initiative, signed by the ruling party and the main opposition bloc. The initiative was brokered by the GCC, with support from the United Nations, the five permanent members of the Security Council and the EU.

*The internationalized nature of the agreement and subsequent international support was considered by some a guarantee for the success of the process; others saw it as curtailing the ownership of Yemenis over the proceedings. Not all conflict parties signed the agreement, which hampered buy-in from non-signatories.*

**Afghanistan's Constitutional Loya Jirga** (2003–04) was rooted in the Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions (better known as Bonn Agreement), which was an outcome of the International Conference on Afghanistan in Bonn, Germany. The agreement had been approved by 25 Afghan political leaders under the auspices of the UN.

*Some critics argue the Bonn Agreement was entirely written and pushed through by external actors. It certainly reflected the unequal balance of power at the time, which meant a strong international influence and domination of the Northern Alliance, which had fought against the Taliban. The latter was excluded and though it was recognized that the transition process should include critical actors, these actors remained enemies to be defeated by military means.*

**Heads of state**  
(president,  
government,  
transitional  
government)  
through  
**Presidential  
Decrees**

**Sudan's National Dialogue** (2014–16) was announced by President El Bashir. Speaking on January 27, 2014, he invited all Sudanese political parties to attend a meeting to discuss and prepare a 'national leap'. The meeting was confined to an address by the president; he later requested the Council of Ministers to transform the strategic project into a practical one.

*That the initiative single-handedly came from the President was viewed with great scepticism. This set the tone for the process to come, which hardly gained traction or legitimacy in the eyes of the opposition inside and outside of the country.*

**Bahrain's National Dialogue** (2011) was officially mandated through the king. Protests on the street pushed him to commission the crown prince to launch a National Dialogue. Following a resurgence of violence eventually stalled through the intervention of security forces from the Gulf Cooperation Council, the king called the different parties to conduct the National Dialogue.

*The king's initiative was met with resistance from the opposition, but lacking other avenues to negotiate with the king, such as through direct talks, they eventually accepted the dialogue format proposed.*

The **National Conferences in francophone Africa** (1990–93) were often mandated by the old regime (Benin) or the incumbent president (Republic of Congo, Democratic Republic of Congo, Togo, Gabon, and Niger). In Mali and Chad the transitional governments set up following coup d'états established the conferences. The **National Conference on Political Liberalization** in São Tomé and Príncipe that was held in December 1989 was the first conference held by the one-party state.

*All national conferences reflect the volatile balance of power at that time: most cases were an attempt by the old regime to hold on to power and regain legitimacy. However, the outcomes varied greatly, from establishing transitional governments to re-seizure of control by the incumbent president.*

**Political parties/opposition groups through Political Acts, Joint Conferences, Referenda**

**Mali's National Dialogue Conference** (1991) was initiated by the Transitional Committee for the Salvation of the People (CTSP), which was a conglomerate of political parties (illegal under the previous military-civilian regime), civil society actors and a defected faction of the military. These forces united after ousting the old regime to effect a change from a single-party system to multi-party democracy. Their first action was the Basic Act No 1, which, among other things, called for a National Conference to lay the foundation for the re-organization of the state.

*The call for the National Conference by the CTSP reflected the spirit and balance of power at the time and thus supported the call for a conference to be perceived as legitimate. The former regime, however, was entirely excluded, which led some people to argue later that it was a victor's conference.*

**Non-state armed actors through Peace Accords, Ceasefire Agreements**

**Guatemala's Peace Process** (1986–96) was preceded by regional peace negotiations and agreements (Esquipulas I & II) that set the context for the national process. The National Dialogue was convened by the National Reconciliation Commission (CNR), upon the initiative of the Guatemalan National Revolutionary Unit (URNG). The CNR had been set up in the wake of the Esquipulas II agreement and consisted of executive branch, political parties and notable citizens. The initiators were concerned about a participatory approach and engaged in meetings with all sectors of society. The first official meeting was held in Oslo and culminated in the Basic Agreement for the Search for Peace by Political Means, better known as Oslo Agreement.

*That the process was initiated by the opposition with the support of the executive, political parties and notable citizens through the CNR gave the process political clout and legitimacy. It became the centre of gravity for the political negotiations and continued to follow a participatory approach.*

Civil society  
through  
Referenda,  
Joint  
Conferences

**Tunisia's National Dialogue** (2013) took place following various failed attempts by different actors, such as the Tunisian General Labour Union (UGTT), political parties, Prime Minister Jebali and President Marzouki. However, the process eventually kicked off when the UGTT came together with the League of Human Rights, the Tunisian Bar Association and the employers' organization to form the Quartet. On the back of popular street protest, two political assassinations and the military coup in neighbouring Egypt, the major parties agreed to join the Quartet-led National Dialogue, tasked with overcoming the political deadlock in the Constituent Assembly.

**South Africa's** multiple attempts to end Apartheid – CODESA I, CODESA II, the Multi-Party Negotiation Process (MPNP) – were to a great extent the result of various civil society initiatives. Founded in 1983, the Mass Democratic Movement organized throughout the following decade an urban uprising, consumer boycotts and strikes. At the same time, a number of quiet initiatives by civil society intermediaries had been working to open up communication channels between the National Party and the African National Congress. They supported trust-building mechanisms across the conflict lines, encouraged the development of personal relations and, after the unbanning of political parties by President de Klerk in February 1990, facilitated the exploratory 'talks about the talks'.

*The internal pressure for political change was reinforced by a disastrous economic situation and international economic sanctions. Strong local ownership was sustained throughout the process.*

## 2.3 Getting and setting the mandate

*“The origin of a mandate influences both the legitimacy and sustainability of a national dialogue.”*

Harlander (2016, 14)

The mandate is the backbone of any National Dialogue. It is essential as it positions the process within the broader political context and defines its main parameters. It also determines its powers and its relations to existing governing institutions and processes, as well as providing a framework. When talking about the mandate, the distinction should be made between the mandate as a formal document (in the form of clear terms of reference, presidential decrees, etc.) and a ‘political mandate’. The latter refers to the informal process of getting political agreement on the legitimacy of a National Dialogue, often based on the popular demand for such a process. This can but does not have to become translated into a formal mandate (not all processes have formal terms of reference). All processes, however, need to have a ‘mandating moment’ that clearly spells out what they are expected to do.

**The process design can only be developed once there is a basic consensus on the key objective of the National Dialogue** (see crisis prevention/management

versus fundamental change, ¶ 1.1). Any mandate should clearly state the purpose of the process: this can vary greatly, ranging from agreeing on future negotiations, to amending a constitution or adopting a transitional body, or to drafting an entirely new constitutional framework. This is often followed by a preliminary agenda, which sets a range of topics for discussion (¶ 3.1). In addition, guiding principles for the conduct of the conference can be included (¶ 3.5), as well as the anticipated institutional

**The content of a mandate should include**

1. Main purpose and objective
2. Preliminary agenda items
3. Guiding principles

**And ideally**

4. Institutional structure
5. Follow-up mechanisms and guarantees for implementation
6. Modalities, duration and finances

structure. Lastly, mandates include a reference to framework conditions, such as modalities on selection procedures (¶ 3.4), and also duration and sometimes finances.

**When designing a mandate, particular attention should be paid to the following principles:**

- ≡ The mandate must reflect the main concerns of the stakeholders and not be

imposed by another party or an external actor. It could, however, be supported by UN Security Council Resolutions, as was the case in Yemen.

- ≡ The mandate must be written in a manner acceptable to various different actors, who must find their concerns represented.
- ≡ The mandate must provide clear provisions on the aim and parameters of the process to ensure due process despite its extra-constitutional nature.

### Clarification of aims, objectives and scope

The main aim of **Yemen's National Dialogue Conference (NDC)** was to produce a new social contract. The mandate was broad, reflecting a range of expectations and irreconcilable objectives among various groups. The process was connected to the existing political institutions/system in that the government was to be bound by the NDC's outcomes and the new constitution if they were put into effect through a national referendum. President Hadi was also the head of the NDC presidency and had a mandate to decide on matters on which the NDC working groups failed to reach consensus.

In **Yemen** the Implementation Mechanism of the Gulf Cooperation Council Initiative (2011) called for a **Conference for National Dialogue**:

“ With the beginning of the second transitional phase, the President-elect and the government of national unity shall convene a comprehensive Conference for National Dialogue for all forces and political actors, including youth, the Southern Movement, the Houthis, other political parties, civil society representatives and women. Women must be represented in all participating groups.

#### **The Conference shall discuss the following issues:**

- (a) The process of drafting the Constitution, including the establishment of a Constitutional Drafting Commission and its membership;
- (b) Constitutional reform, addressing the structure of the State and political system, and submitting constitutional amendments to the Yemeni people through a referendum;
- (c) The dialogue shall address the issue of the South in a manner conducive to a just national solution that preserves the unity, stability and security of Yemen;
- (d) Examination of the various issues with a national dimension, including the causes of tension in Sa'ada;

(e) Taking steps towards building a comprehensive democratic system, including reform of the civil service, the judiciary and local governance;

(f) Taking steps aimed at achieving national reconciliation and transitional justice, and measures to ensure that violations of human rights and humanitarian law do not occur in future;

(g) The adoption of legal and other means to strengthen the protection and rights of vulnerable groups, including children, as well as the advancement of women;

(h) Contributing to determining the priorities of programmes for reconstruction and sustainable economic development in order to create job opportunities and better economic, social and cultural services for all.”

Agreement on the implementation mechanism for the transition period in Yemen in accordance with the initiative of the Gulf Cooperation Council (GCC). Unofficial translation from Arabic by the ‘Yemen Peace Project’ (2011)

**Kenya’s National Dialogue and Reconciliation** process was more limited in aim and scope. It specifically addressed the issue of electoral violence and deep cleavages between the main parties. The participants were clearly stated: all from the major political parties. A range of other modalities are set out in the document, including media strategy, selection of chairs, and support structures. This process started with a clear crisis management approach and became more broad-based as it progressed.

### **Modalities for the Kenyan National Dialogue and Reconciliation**

“ **Goal:** To ensure that the National Dialogue and Reconciliation is carried out in a continuous and sustained manner towards resolving the political crisis arising from the disputed presidential electoral results as well as the ensuing violence in Kenya, in line with the agreement between His Excellency Mwai Kibaki and Honourable Raila Odinga, as publicly announced on 24th January and reiterated on 29th January 2008 at County Hall in Nairobi. The final goal of the National Dialogue and Reconciliation is to achieve sustainable peace, stability and justice in Kenya through the rule of law and respect for human rights.

#### **Modalities:**

i. The National Dialogue and Reconciliation (Dialogue) shall be based on the proposed and mutually agreed upon Agenda submitted by the Panel of Eminent African Personalities (The Panel) that shall be further developed by the Parties to resolve, in the spirit of fairness and amicability, the issues that led to the current crisis.

ii. The Parties to the National Dialogue and Reconciliation are: The Government of Kenya/Party of National Unity (Government/PNU) and the Orange Democratic

Movement (ODM). Each Party to the National Dialogue and Reconciliation shall provide four (4) delegates, of whom one should be a woman, mandated to negotiate and take decisions on their behalf. Final decisions will be made by the leaders of the Parties.

iii. In addition, each Party will indicate one Liaison Officer, who will attend all Sessions of the National Dialogue and Reconciliation without having the right to vote or take the floor. The Liaison Officers will ensure continuous liaison with the Secretariat of the Panel. The Liaison Officers may be replaced by alternate Liaison Officers.

iv. The deliberations of the Parties to the National Dialogue and Reconciliation shall be guided by the Terms of Reference (TORs) and the Rules of Procedure for the National Dialogue and Reconciliation suggested by the Panel and agreed upon by the Parties.

v. The quorum, at all times, shall be as provided for in the Rules of Procedure.

vi. The Panel will appoint a Session Chair and Co-Chair, in consultation with the Parties who will convene and chair the meetings of the dialogue.

vii. The Panel shall draw on outside independent expertise, in consultation with the Parties, as may be necessary, and in accordance with the TORs.

viii. If and when necessary in the course of the National Dialogue and Reconciliation, the Panel may convene an in-house participatory workshop, whereby the Parties, with the assistance of independent experts, will elaborate and define the problem at hand, with a view to incorporating the outcomes of such workshops into the formal negotiations.

ix. The Panel may establish Committees and Task Forces, to discuss specific issues and make recommendations, as necessary.

x. The National Dialogue and Reconciliation shall be organized in an expeditious and time-sensitive manner. The Parties will deliberate on the basis of the time-table agreed with the Panel to be attached to the Agenda.

xi. All agreements reached by the Parties in the course of the National Dialogue and Reconciliation shall be put in the public domain.

xii. The Parties agree to be bound by the outcome of the process and commit to its implementation.

xiii. In their contacts with the media during the National Dialogue and Reconciliation, the Panel and the Parties shall not disclose any information on the sensitive issues being discussed at the meetings. Only the Secretariat of the Panel will issue official communications regarding the National Dialogue and Reconciliation through the Office of the Panel Spokesperson.

xiv. The Parties shall refrain from making public statements that could endanger the success of the National Dialogue and Reconciliation.

**DONE THIS DAY 5th February 2008, IN NAIROBI, KENYA.”**

Office of the AU Panel of Eminent African Personalities (2014, 251-252)

**Afghanistan’s Constitutional Loya Jirga** was part of the larger transition and constitution-making process of the country with the objective to build broad-based consensus on the constitution drafted by President Karzai. It never aimed to facilitate broad-based changes but to take an important step in the transition process of the country.

“The role of the **Constitutional Loya Jirga (CLJ)** is to adopt the constitution and to confer legitimacy on it. The CLJ will convene in October 2003, and will review and adopt the Constitution. Discussions are underway to determine the specific mechanisms and processes to be used for electing and selecting representatives of the CLJ as well as the mechanisms for conducting the CLJ. In line with traditions of Loya Jirgas, the CLJ will be a grand representative meeting made up of all sectors of Afghan society and will deliberate upon and adopt the new constitution. To ensure their active participation in the deliberations, delegates will participate in a week-long orientation to inform them about the contents of the Draft Constitution and Rules of Procedure of the CLJ. The CLJ will provide a further opportunity to build consensus on vital national issues and on controversies which might arise during the public consultations after the publication of the Draft Constitution. The Secretariat will provide administrative support for the CLJ.”

The Secretariat of the Constitutional Commission of Afghanistan (2003, 8-9)

### **The process of getting a mandate**

A mandate tends to be developed among the main stakeholders, often with third-party mediation by insiders (the Quartet in Tunisia) or externals (the UN in Yemen). Once sufficient consensus is achieved, which can take many months or even years, it is translated into a formal text. The mandate can be part of a negotiated ceasefire agreement (Myanmar), a national agreement (Colombia, Mali), or an internationally brokered agreement (Yemen, Iraq, Afghanistan, Libya). The mandate can and usually is renegotiated among the parties if the situation on the ground changes or elections brings different groups into power. This was the case in Myanmar, where first, major ethnic armed groups failed to sign the Nationwide Ceasefire Agreement, weakening the possibility for political agreement and second, elections changed the government in power. Both meant the initial mandate continued to be open for negotiation.

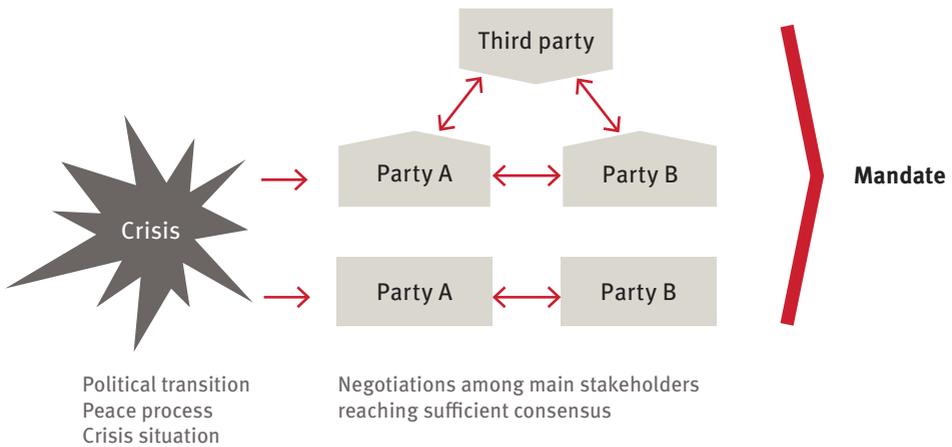


Figure 2.2: The process of arriving at a mandate

In practice, the process of arriving at a mandate tends to be rather muddy and exclusive, as the case of Myanmar demonstrates. However, given the power of the mandate to frame the National Dialogue, utmost care has to be paid to the dynamics of (unequal) power relations. If key actors are not included in the initial negotiations, they might not accept the overall mandate of the National Dialogue and question its legitimacy. Yemen is a case in point. At the same time, the main elites (old and new) have to agree on the mandate for it to have the broadest possible buy-in. South Africa was able to generate such broad-based support.

In **South Africa**, the political parties agreed to a multi-party constitutional conference where all parties, irrespective of the size of their constituency, could participate as equals to decide core constitutional principles and the structure of a transitional government. Then the public would elect the parties to form a power-sharing transitional government and the delegates to an assembly that would draft the final Constitution. The first process was the Convention for a Democratic South Africa (CODESA), which collapsed after making significant headway. After further negotiations, a Negotiation Planning Conference was held where the political parties were able to restructure the process and address some of the previous objections to CODESA and form the Multi-Party Negotiation Process (MPNP).

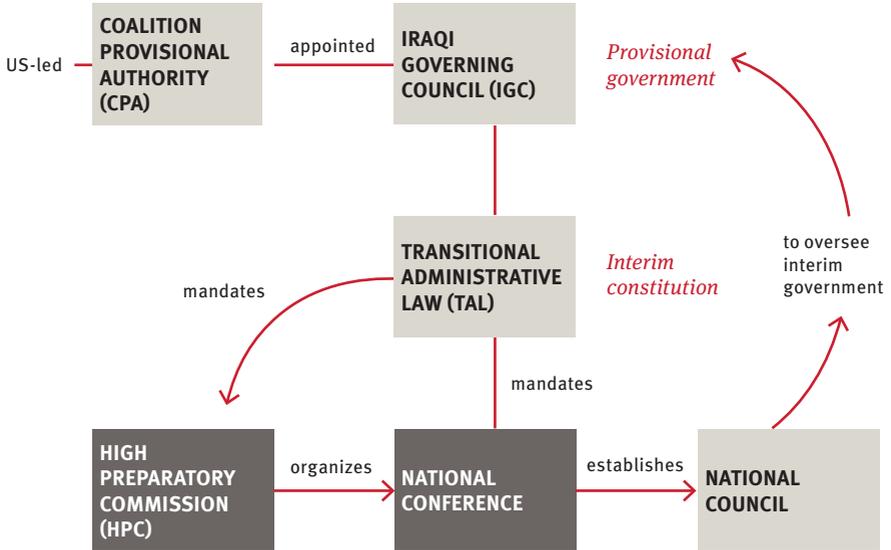
In **Yemen**, the GCC initiative was signed by the main political parties in the North. However, two important political movements were not included in this agreement: the Houthis in the North and the Southern Movement (Hirak), although both were considered as very important actors and the questions of Sa'ada and the South figured high on the NDC agenda. In hindsight, the integration of the secessionist Southern Movement remained weak during the NDC, and while the Houthis expressed their commitment to the NDC process and its outcomes, they never fully endorsed the GCC initiative.

If the mandate is drafted by only one side, it weakens the process in terms of ownership and perceived legitimacy. The National Dialogue in Bahrain is a good example. Although it might have been initiated in good faith to allow for a broad and open discussion, the main Shia opposition groups were not in a position to participate in a meaningful way. Sudan's president also publicly called upon all parties to participate in the National Dialogue, but when asked to attend a first preparatory meeting outside the country in order for the armed opposition to join and negotiate the terms of the process, he declined at the last minute. The process that was subsequently initiated unilaterally by the government had barely any support from opposition parties and lacked legitimacy from the start.

Smaller parties without sufficient political weight or strong constituencies are often left out and have to accept the mandate if they want to participate.<sup>2</sup> In some cases, however, many smaller parties come together to form a negotiating bloc and influence the process that way, as was the case in Myanmar. If too many actors are left out, they can delegitimize or actively obstruct the process, causing it to collapse or failing its implementation. **Therefore, any National Dialogue mandate should emerge from a consensus among the main stakeholders who could potentially obstruct the process, while making sure that all participants, even those on the fringes, agree to the mandate.**

## Iraq's mandating framework 2004

Context: Following the US-led invasion of Iraq and the toppling of the regime of Saddam Hussein a transitional framework was installed. The Iraqi National Conference was part of the transitional framework.



Iraq's National Conference was formally mandated through the interim constitution, the Transitional Administrative Law (TAL). The TAL stated that a National Conference should be held in July 2004 and that it should establish a National Council tasked with overseeing the interim government. It further called for a High Preparatory Commission (HPC) to organize the conference. The US gave the entire process a strong directive impulse by appointing the members of the Iraqi Governing Council, which subsequently shaped and dominated the entire process through the TAL and the HPC and by determining the selection procedure for the National Conference.

*“[T]he National Conference was not a major event in Iraq’s transitional politics: it did not serve as a forum for genuine dialogue and did not expand political participation in the National Council as it was composed mostly of the political parties participating in the Interim Government.”*

Papagianni (2006, 317)

What defined the mandating process was the heavy influence and management by the US over the entire transition framework – and, as a direct consequence, a subsequent lack of local ownership and a substantive political agreement.

- ≡ The process for drafting and adopting the interim constitution was heavily criticized. Those not consulted or unhappy with certain provisions rejected it, and many objected an interim constitution drafted under the influence of an ‘occupying power’.<sup>3</sup> Thus, the mandating process and final document lacked a substantial political consensus.
- ≡ This lack of agreement was also reflected in the mandate itself. Sunni nationalist and radical Shia groups refused to participate. They considered the mandate too weak, as it could not change the TAL. In turn, the political parties participating in the Interim Government did not strive for more inclusivity since this could have jeopardized the TAL and the transitional arrangements in place.<sup>4</sup>
- ≡ Moreover, the mandate lacked clarity and did not articulate a proper process for participant selection. This led to a similar composition of political parties in the High Preparatory Commission for the Conference as in the interim government, which made the process and subsequent conference appear exclusionary and elitist.
- ≡ This exclusive preparatory set-up also defeated the main purpose of the National Conference, namely to establish a National Council to oversee the interim government, as the parties that were to be overseen by the National Conference/National Council were the same parties that in the end elected the members of this council.

### Core issues around mandating

- ≡ **Clarity and scope:** The mandate should clearly specify the objective of the process. What is included or not included needs to be carefully weighed up. An overburdened mandate could quickly lead to frustration as not all issues can be resolved. One key success factor in the Tunisian case was the way the mandate was limited to the key issues in order to break through the political deadlock debilitating the transition. Though other topics remain important for the transition, these may have to be attended to in a separate and adequate process. Yemen’s process, on the other hand, was a huge undertaking, which had many positive outcomes. However, it may have been overburdened by the scale of what it set out to achieve.
- ≡ **Consensus among key stakeholders:** The mandate should be agreed among key stakeholders at the outset of the process, something that can take time. The temptation to rush at this stage may backfire and wreck the process as a whole. Although buy-in can be generated at a later stage, not

having an agreed starting point will inevitably make a constructive process much harder to achieve. This was the case in Iraq, which eventually led to the boycott of the process by Sunni nationalist and radical Shia groups (see above). Libya is another case in point where there was no agreement on the aim or the subsequent process of the so-called political dialogue. The UN pushed for a unity government and struggled throughout the process to keep it together. In the end, a very weak agreement was signed lacking any national consensus. At one point, a competing process was even initiated by Libyans in Tunis. This illustrates the importance of generating **solid buy-in for the procedural framework during the preparation phase as a prerequisite for establishing a consensus-based mandate.**

- ≡ **Broad-based ownership:** Consensus among key stakeholders alone does not suffice. First, there needs to be an inclusive character to the process, meaning key stakeholders beyond the current parties in power must be included. Second, in order for a process not to appear elitist, as it did in Iraq, the mandating process must include voices beyond the political elite altogether. This means addressing both a vertical divide, by including actors outside the political arena, and a horizontal divide, by bridging centre-periphery differences. Crisis prevention/management processes do not have the same participation requirements as fundamental change processes, but they too suffer from perceptions of elitism if no avenues for broader ownership are found. This appears to be the case in Lebanon, where the limited participation may reflect the needs of the process, but failed to circumvent the perception of elitism through other avenues of inclusion. Crucially, **the mandating process – and the resulting mandate – should ensure adequate participation and broad-based ownership.**
- ≡ **Synergies with parallel political processes:** National Dialogues often take place as part of a larger transition framework (Iraq, Afghanistan, Yemen) or alongside other major political processes, such as peace negotiations (Sudan, Colombia, Guatemala). Thinking about potentially reinforcing or hindering interdependencies can support establishing an acceptable mandating framework. Colombia during the early 1990s is a case in point, where the civil society initiative and the peace negotiations were entirely separate, but each had an impact upon the other. The former provided an incentive to join the negotiation table; the latter supported the demands of civil society and the public at large. Each group participating in negotiations with the government was eventually given one seat in the Constituent Assembly. In Sudan, a key question posed by moderate opposition groups is how to merge the peace negotiations led by the African Union High-Level Implementation Panel on Sudan (AUHIP) with the National Dialogue. **Mandating processes have to be considered within the larger political framework within which they take place and synergies with other processes need to be created to avoid a piecemeal approach.**

## 2.4 Preparing the process and the people

Many countries engaging in a National Dialogue develop a fairly comprehensive preparatory system, including at least one key institutional body tasked with the preparation of the process. The names of these preparatory bodies differ from case to case, from preparatory or steering committees (Benin, Lebanon), to preparatory commissions (CAR, Iraq) or technical committees (Yemen). In Yemen the preparations even consisted of a two-step process: first, the Contact Committee was set up, followed by the Technical Committee. The latter was composed of the same members as the previous body, with a few additional people (→ *Yemen's preparation*, p. 59). Preparatory bodies usually comprise key political stakeholders, opposition figures, experts and respected personalities and vary in their size and level of inclusivity: some are fairly limited with ten people or fewer (Benin, Lebanon), while others come close to 100 participants (96 in Sudan, 79 in Chad or 68 in Niger). Depending on the context, different actors are involved in preparations. In Togo, the government and the opposition were involved in preparations; in Mali, the transitional government was responsible; and in Benin it was a committee constituted by eight government ministers.



The function of the preparatory body is to establish the key parameters and the institutional framework for the National Dialogue. The preparatory body is tasked to define or decide on:

- Objective and agenda
- Structure of the National Dialogue
- Criteria for composition and selection procedures for participants
- Selection of a chair
- Decision-making procedures
- Support structures
- Logistics, funding and security

Often, preparatory bodies have only a restricted mandate to prepare the National Dialogue process and come up with criteria for the composition of the participants, options for decision-making procedures and support structures, and the agenda. The participants and chair of the preparatory body often differ from the participants and chair at the National Dialogue processes. Benin and Lebanon offer examples of preparatory committees that determined crucial aspects of the respective National Dialogue processes.

**Benin.** In preparation for the National Conference (1990) the *Comité National de la Conférence* was established by presidential decree and comprised eight government ministers who were seen as open to change.<sup>5</sup> The committee was tasked with identifying the categories of groups that would be allowed to participate in the conference and specifying how many representatives they would be allotted. Subsequently, each group chose its own delegates. The committee also had the mandate to decide on the agenda of the National Conference and agree on basic principles of the constitution that the Conference had to take into account when finalizing the Constitution.<sup>6</sup> The Committee was supported by working groups that were composed of ministerial staff members or representatives of professional organizations: one working group on education and culture, one on the economy and structural adjustment programme, and the third on justice and human rights. During the six-week preparatory phase, the committee issued an appeal to all Beninese in and outside of Benin to send in their analysis of the country's (crisis) situation and their ideas on what the societal project could look like.

**Lebanon.** National Dialogue sessions under President Sleiman (2008–14) were prepared with the support of a Steering Committee. The Steering Committee was composed of selected advisers from the Office of the president and external advisers close to the president, including academic scholars in conflict resolution and other technical experts. The Political Adviser to the president coordinated the Steering Committee and the meetings were chaired by the president. The Committee usually met before the dialogue sessions to discuss the agenda, provide background research on issues and advise the president as the chair of the dialogue on procedural matters. While the small number of persons facilitated a smooth preparation phase, the subsequent process also remained largely confined within fairly exclusive parameters.

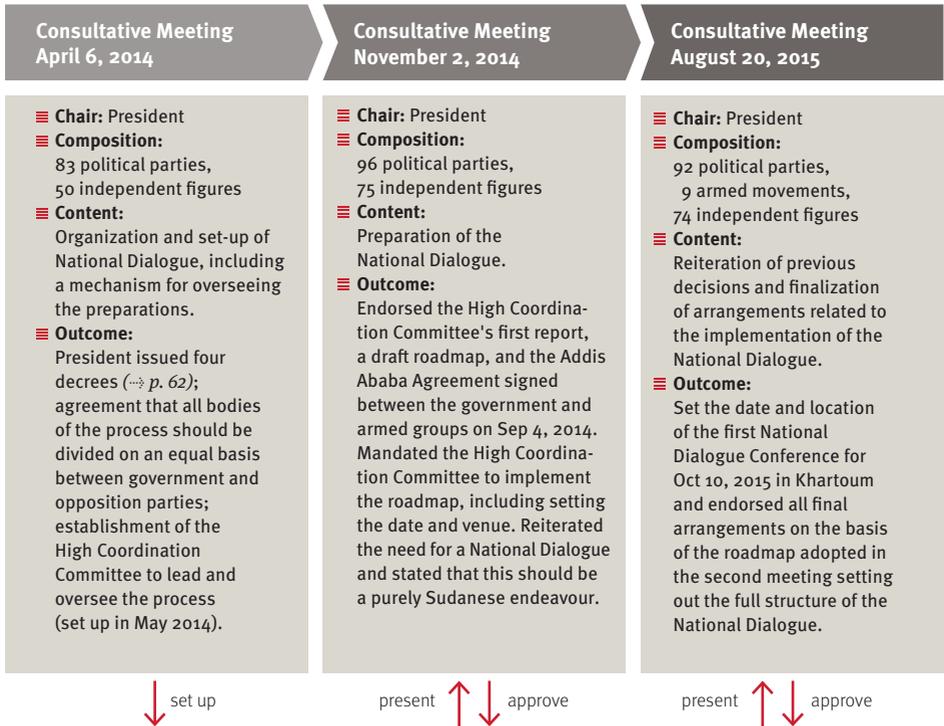
Alongside formal preparations, **informal meetings** are often part and parcel of preparing a National Dialogue. In Nepal, the team of two informally mandated Insider Mediators acted as communication channels, facilitated secret meetings, and eventually assisted in bringing both sides to a more formal process, which they continued to support through informal backstopping. Such informal approaches can provide a valuable space for rapprochement between conflict parties, discussing their positions away from internal party and public pressures. However, the lack of transparency may compromise an understanding of certain decisions and discredit the legitimacy of the process if not managed carefully. Also, in the informal realm, agreements can be easily disregarded, jeopardizing the process and potentially forcing it to start again from scratch. This was something that plagued the process in Nepal.

There are all sorts of off-the-record, low-key, Track 2 or Track 1.5 formats. For example, the Political Development Forum (PDF) Yemen and the Berghof Foundation jointly facilitated a meeting with major Yemeni decision-makers in March 2012 in Potsdam, Germany. Here, the framework, agenda, basic principles and mechanisms of the NDC were discussed based on comparative experience from other international cases. The purpose of the meeting was to offer an informal and trusted space for knowledge-provision, interaction and joint problem-solving between the main conflict stakeholders. This event in Potsdam and the subsequent meetings in Yemen helped enormously to build trust in the process and to clarify the objectives of the emerging National Dialogue. In addition, there can be efforts to build the dialogue and negotiation capacities within the parties so as to support their coherence and their confidence in engaging with ‘the other’ in a National Dialogue process.

### **Design options for the preparation phase**

There is a multitude of options to design the preparation phase of a National Dialogue process. The following section presents them through the lens of preparation processes in Sudan and Yemen.

## Sudan's Preparation Phase (April 2014–August 2015)



**HIGH LEVEL COORDINATION COMMITTEE (7+7)**

**Chair:** President

**Composition:**  
7 government representatives, 7 opposition representatives (withdrawal of a number of opposition parties throughout the process, including the more influential National Umma Party and the Reform Now Movement)

**Mandate:**  
1) Drawing a roadmap for the Dialogue, 2) Determining the Conference's membership and agenda, 3) Coordination of the work of the conference's committees, 4) Overseeing the works of the General Secretariat, 5) Advocacy among the Sudanese people, and 6) Follow up of the Conference's outcomes

**Decision-making:**  
All decisions should be endorsed by the Conference's General Assembly

**Responsibilities:**  
Lead and oversee all stages of the process, implement the requirements of the roadmap, determine time and venue of conference

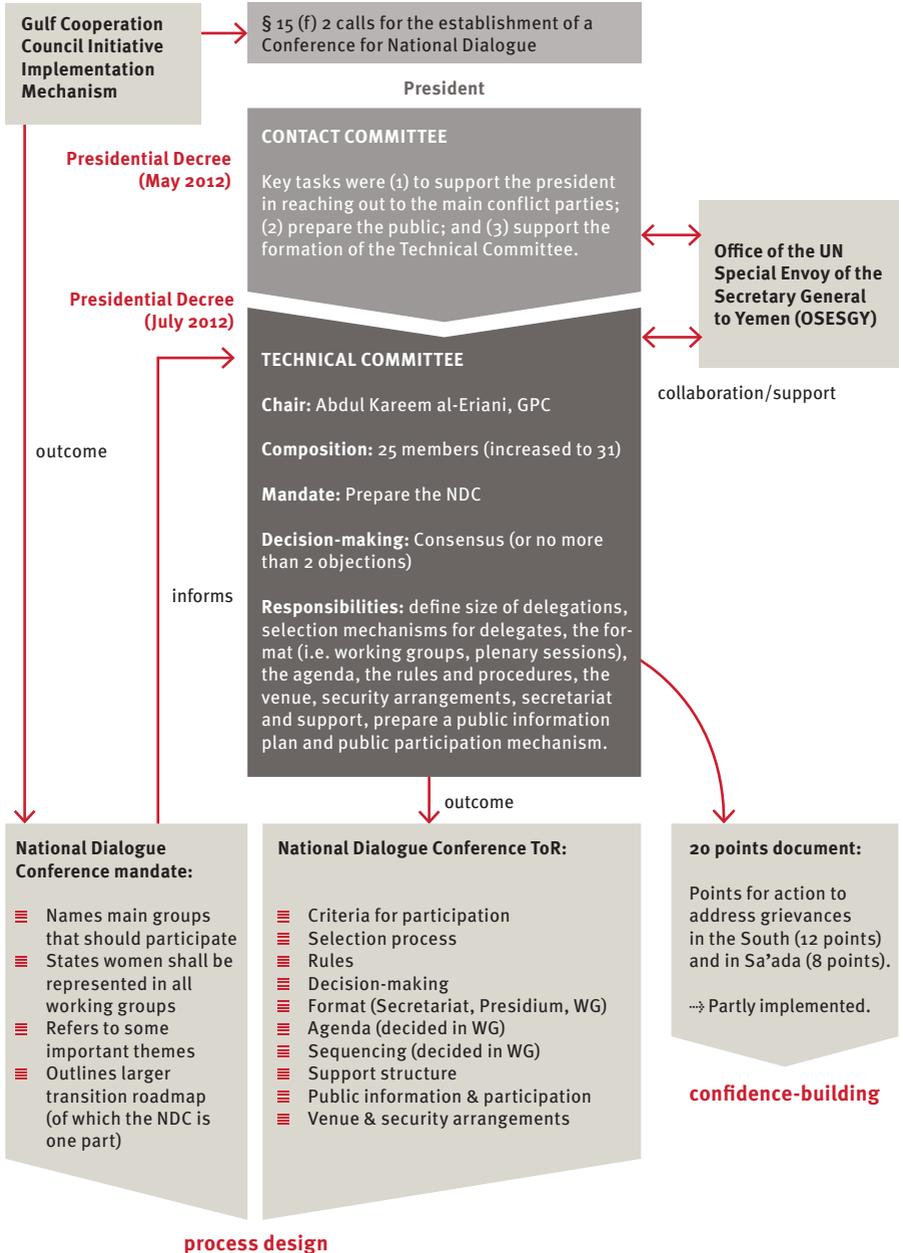


Sudan's National Dialogue was prepared through three consultative meetings and the work of the High Coordination Committee. The latter was responsible for taking action and implementing the necessary steps to prepare the National Dialogue; the former initiated and oversaw the work of the preparatory body and endorsed final decisions. Three aspects defined the preparation phase and determined the parameters for Sudan's National Dialogue:

- ≡ **Composition and selection procedures for participants:** From the outset, the initiative was under the firm lead of the president, which caused scepticism or outright rejection from almost all major opposition parties and armed groups. Despite the president's open call for all parties and armed groups to attend, those agreeing to participate were close to the regime or their political influence was weak. All but one major opposition party withdrew during the preparation phase (the first meeting of the High Coordination Committee took place without two main opposition parties, the Umma Party and the Reform Now Movement). Thus, all major opposition actors, except Hassan al-Turabi's Popular Congress Party, remained outside the process. The composition of participants inevitably also had an effect on the **mandate and agenda setting**, especially on the way topics were selected and approached.
- ≡ **Selecting the right chair:** It was clear from the start that all preparatory bodies would be chaired by Sudanese president Omar El Bashir. Calls for a transitional government were rejected. While some opposition parties called for an independent national figure to chair the meetings, the armed groups demanded a preparatory meeting outside of Sudan under the auspices of the African Union. Neither of these demands was addressed. Structurally, the choice of chair became one of the main factors that caused the opposition and armed groups to doubt the seriousness of the initiative.

The government-dominated structure of the preparations as well as the absence of genuine confidence-building measures meant the process lacked buy-in from the start. Though the president had called on all parties and groups to participate, the conditions were unacceptable to the majority of the opposition. Preparations remained exclusive, which impeded all aspects of the preparation phase as well as the subsequent process, supporting the view that the main function of the National Dialogue was for the ruling party to secure its hold on power.

## Yemen's Preparation Phase (May 2012–December 2012)



The preparation for the NDC started with the establishment of a contact committee on May 6, 2012 with the purpose of reaching out to the various constituencies. Yemen's National Dialogue (2013–14) was prepared mainly through the Technical Committee for the Preparation of the National Dialogue, which was established on July 2012 (operated until March 2013) to formulate the framework for a comprehensive dialogue. It worked closely with the UN Special Envoy's Office. Certain aspects had already been set out in the GCC Initiative's National Dialogue Conference Mandate; all other aspects related to the preparation and conduct of the National Dialogue were established through the Technical Committee.

Three aspects defined the preparation phase and determined the parameters for Yemen's National Dialogue:

- **Consultative selection procedures for participants:** All members of the Technical Committee were selected by the president, following consultations with the main political parties and representatives of the international community, including the UN.
- **Support structures:** The UN Special Envoy's Office provided substantial technical, logistical and financial, and diplomatic support.<sup>7</sup> Jamal Benomer, the United Nations Special Advisor to the Secretary General on Yemen, used his leverage of having the Security Council's support to press parties to reach a compromise by informing them that he needed firm decisions from them to demonstrate tangible progress (Zyck 2014). Additionally, the Technical Committee referred controversial matters it failed to resolve to the UN team, as was done on selection criteria and mechanisms for independent participants, women and youth.
- **Early rapprochement:** Through the Contact Committee, which preceded the preparations in the Technical Committee, the president established a body early on to reach out specifically to those parties not part of the GCC Initiative Implementation Mechanism, like the Southern Movement. It also sought to start preparing the public. Having a committee early on in the process for that purpose was an important signal and helped to galvanise support and legitimacy, though meaningful inclusion of the Southern Movement and the Houthis remained one of the key challenges throughout the NDC.

What characterized much of the preparation phase was the recognition that no single party could impose their agenda as well as the very real fear that the situation could re-escalate into a cycle of violence and provide further ground for the spread of radical groups, including Al Qaeda. This balance of weakness in the face of a deteriorating security situation led the parties to accept the GCC's initiative and the criteria set out in its implementation mechanism.

## 2.5 Building confidence

The preparatory phase tends to be characterized by great tensions, a divisive atmosphere and low levels of trust. For example, opposition parties and armed groups are concerned about the genuineness of a government-led initiative and the government is apprehensive of the risks of such an initiative, especially as regards losing power. Often, both sides are internally divided between those advocating a National Dialogue and those seeking to abstain or even revert to violence. Civil society fears continued repression or being sidelined. International and regional actors may not have reached a consensus yet, and an internationally mandated process may lack national backing and ownership. In this atmosphere, confidence-building measures are essential. They can send important messages about the sincerity of one or both sides and can be essential in building ‘working trust’ among (former) adversaries (Kelman 2005). Examples are cessation of hostilities agreements, the release of political prisoners, but also the setting up of an inclusive preparatory process.

*“CBMs [confidence-building measures] can be understood as a series of actions that are negotiated, agreed and implemented by the conflict parties in order to build confidence, without specifically focusing on the root causes of the conflict.”*

Mason and Siegfried (2013, 58)

In Yemen, the selection of some opposition figures to join the Technical Committee contributed to addressing this need. In addition, the Technical Committee developed the 20-point document, which set out a range of confidence-building measures in the South and in Sa’ada. This, along with the inclusive preparatory set-up, sent a powerful signal and fostered confidence in the process. However, the measures proposed in the 20-point document were not ultimately implemented, which undermined the credibility of the process later on and failed to ensure more comprehensive participation by the Southern movement.

Broader guarantees to ensure physical safety and temporary amnesty measures are often demanded by armed groups and opposition parties to participate in National Dialogue. The lack of safety measures can discredit a process from the start, as was the case in Sudan and Bahrain. In both instances, senior opposition figures were arrested during the process. In Jordan, no confidence-building measures were implemented prior to the National Dialogue, but the king promised to fulfil opposition demands during the process in order to convince opposition members to get back to the table.

**Sudan.** The announcement and preparations of the National Dialogue took place amidst great distrust in the government after decades of authoritarian rule and continuing fighting in the war zones. In the first consultative meeting, the president issued four decrees meant to address the opposition's demands for the creation of a conducive environment:

- (1) Enabling political parties to exercise political activity inside and outside party headquarters in accordance with the law.
- (2) Broadening media participation of all, and enhancing freedom of media in a manner enabling them to play their part in making the National Dialogue Conference a success.
- (3) Release of all political detainees and prisoners not convicted under the law.
- (4) A government pledge to provide sufficient guarantees enabling the armed movements to participate in the National Dialogue Conference.

Although the president reiterated these and other commitments in the third consultative meeting, it was largely felt that the crackdown on political activities and the press continued (including detaining party leaders), as did fighting in the war zones. Some participants in the National Dialogue praised the fact that they were invited to express their views, something they would have been arrested for some time ago. Overall, however, it was felt that the decrees and subsequent action by the government failed to bring about any substantial change in the atmosphere or lived experience of opposition parties or the wider public.

**Jordan.** In the aftermath of the two days of violence in March 2011, 16 members of the National Dialogue Committee announced their resignations. They alleged that the committee was not sincere in its reform efforts, but merely sought to deceive the Jordanian public, and they denounced the state violence. The resigned members conditioned their renewed participation on a personal meeting with the king, who would have to guarantee that such attacks on demonstrators would not be repeated, and the creation of a committee on constitutional review. Following such a meeting with the king, who promised that the output of the National Dialogue Committee would be implemented and also appointed the Royal Commission for Reviewing the Constitution (tasked to review the text of the 1952 Constitution), all 16 members came back.

## 2.6 Key considerations for the preparation phase

**Before undertaking any steps** towards exploring the ground for a National Dialogue, it is crucial to:

- ≡ Understand that thorough preparation is part and parcel of any dialogue process.
- ≡ Remember that each probing towards a National Dialogue is already political intervention in a conflict context and has to be undertaken with due consideration of the risks and opportunities involved.
- ≡ Be clear on the options: what other potential tools exist and are they more suitable at this point in time? It is important to be clear on why options for a National Dialogue are being explored as opposed to other mechanisms.

The following aspects support the establishment of a sound preparatory framework enabling a genuine National Dialogue.

- ≡ **Being clear** on what National Dialogues can realistically achieve, as well as clearly embedding them in larger change processes, is imperative for all actors to observe. Political transitions are non-linear, dynamic processes and National Dialogues will always be but one step at best.
- ≡ **Ownership:** The set-up of the preparation phase sets the tone for the National Dialogue. Genuine engagement by the main stakeholders, broad consultations, and an inclusive preparatory mechanism foster legitimacy and ownership. These are crucial factors in determining whether the process has broad-based support and whether key actors are invested.
- ≡ **Inclusivity:** The process design during the preparation phase should take into account a broad range of stakeholders on the ground and follow an inclusive approach. There is a danger that main (government) parties exercise power over the preparatory process and are in a privileged position to influence the entire set-up and subsequent conduct of the conference. This would undermine the legitimacy of the process from the outset. The examples of Sudan and Yemen illustrate the point that the Technical Committee and other preparatory mechanisms are hugely significant in shaping the legitimacy of the National Dialogue process and whether the stakeholders will view it as *the* process for addressing their grievances and aspirations.

- ≡ **Clear mandate and objective:** It is important to be clear what the process is supposed to achieve (and what it is not). This informs adequate process design, as well as it manages expectations. Being realistic and not overburdening the process is one crucial aspect to consider.
- ≡ **Chair:** Selecting the right chair for the preparation phase can be an important signal about the sincerity of the process in planning and can help to generate legitimacy. (→ 3.2. *finding a trusted and credible convener*)
- ≡ **Go slow to go fast:** The preparatory phase is more than the prelude to the process proper and should be planned and implemented with the same amount of care and consideration. Getting things right from the start is likely to affect the entire process. It has to set the key parameters for a successful National Dialogue. The Technical Preparatory Committee deliberations in Yemen took six months longer than was planned for, but proved necessary for thorough preparation.
- ≡ **Institutions and mechanisms:** The name of the preparatory body is immaterial but the function, mandate, chair and the decision-making mechanisms must be clearly outlined. The preparatory body would serve best when it is tasked to develop criteria for participation, options for agenda-setting, and options to break deadlocks during the National Dialogue deliberations. Technical Committees and other preparatory mechanisms are hugely significant in shaping the possibilities for the legitimacy of the National Dialogue process and whether the stakeholders will essentially perceive it as the process for addressing their grievances and aspirations.
- ≡ **Importance of confidence-building measures:** When trust is already low, simply announcing a change is insufficient to convince parties that the changes are real. Further, if subsequent actions actually contradict the announcements, then this creates even more mistrust than before. While a resort to hard negotiations tends to characterize this phase, it also provides unique opportunities for relationship- and trust-building if supported by confidence-building measures and facilitated in an inclusive manner based on dialogue. This can help to generate a sense of sincerity and ownership by the parties in relation to the overall process.
- ≡ **International and regional consensus:** During the preparation phase, generating international and regional support can become crucial for the success of a process. International actors can also provide specific support, for example by providing funding and technical expertise. (→ *chapter 5*)

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- 1 Thanks to Karam Karam (Common Space Initiative) for this point.
  - 2 On this point, see Harlander (2016, 13-16).
  - 3 On this point, see Papagianni (2006, 321).
  - 4 On this point, see Papagianni (2006, 317).
  - 5 On this point, see Dossou (2000).
  - 6 On this point, see PILPG (2015, 23).
  - 7 For further information, see the website of the Office of the Special Envoy of the Secretary-General for Yemen (OSESgy): [osesgy.unmissions.org](http://osesgy.unmissions.org).

## Chapter 3

# The Process Phase: Conducting National Dialogue

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*“[E]ach process is unique and complex, requiring considerable preparation, patience and diplomacy. Designing an effective process is thus an essential and delicate step and requires both technical and political support [...]”*

Harlander (2016, 38)

This chapter turns to what might be called the process proper – the formal National Dialogue phase. It will consider the key process design questions and elaborate on the conduct of National Dialogues. It will cover all major aspects related to implementing such processes, including agenda-setting, finding a trusted convener, establishing principles, developing decision-making modalities, selecting participants, ensuring public consultation and outreach, establishing effective support structures and thinking about timing and sequencing.

The process phase is the most public phase of a National Dialogue. The key steps, procedures and mechanisms related to this phase include:



Figure 3.1: Overview of key aspects related to the set-up and conduct of National Dialogue

### 3.1 Setting the agenda

The agenda for a National Dialogue process outlines the substantive topics (the content) to be deliberated during the talks. Closely connected with the mandate for the talks, which outlines the overall aim for the process, the agenda typically outlines the specific themes to be addressed by the participants in dialogue. The agenda of a National Dialogue depends on the overall aim of the process. It sets out topics for discussion in more detail and should also specify whether the decisions reached under each topic are to have the status of recommendations or are considered binding. The agenda of a National Dialogue seeking fundamental change will almost certainly give a broader thematic scope than the focused agenda of a process aimed at conflict prevention/management, which may focus more narrowly on addressing

the contested issues that are the focus of the crisis. In the case of the Yemeni National Dialogue Conference, the original agenda as set out in the Gulf Cooperation Council Initiative Implementation Mechanism was very broad, whereas the Lebanese National Dialogue, according to the Doha Agreement of 2008, had a clear thematic focus, mainly on security arrangements. Most National Dialogue agendas include a component on constitution reform.

Agenda setting tends to take place in a multi-step approach, as demonstrated in Figure 3.2.

1. *Setting out key themes for discussion, often codified in the mandating document;*
2. *Elaborating these further into a comprehensive agenda;*
3. *Developing a working method, including sequencing and timing.*

It is possible for the agenda to emerge out of highly participatory processes of consultation within stakeholder groups and in the wider society. In Kenya, one of the mediators urged women leaders and organizations to meet with each other to develop a common agenda of concerns to be addressed. The preparatory body usually gathers all agenda points derived from earlier agreements and its consultations with the crucial stakeholders and puts them forward for discussion at the National Dialogue. The ultimate agenda items are decided by the participants of the process.



Figure 3.2: The process of arriving at an agenda

The process of agenda setting – if managed in a transparent and inclusive manner – can provide further clarity on the nature of the National Dialogue, commit parties to the process and serve as an exercise in trust-building and generating a shared understanding of positions and vision. Often the order in which the agenda items are discussed is a point of contestation. The sequencing of agenda items, starting from less contested issues to ‘hot topics’, has proven useful to avoid dialogue collapsing straightaway and to allow the space for developing working trust.

## Process design options for setting the agenda

The process of agenda-setting already says a lot about the nature of the agenda and subsequent framework for the National Dialogue. Limiting the topics for discussion from the start has been heavily criticized in contexts such as Bahrain or Colombia, on the grounds that this goes against the nature of what a National Dialogue should achieve. However, it may be wise to exclude some topics that go against the aim of National Dialogue. In Yemen, for example, the demand for the secession of the South could not be tabled, as this was a red line for neighbouring countries as well as the main parties (as was also reflected in the GCC Initiative and the related UN Security Council Resolution on Yemen). All other topics could be discussed. This led to a huge range of topics, which reflected the spirit of the time and aim of the process for fundamental change. At the same time, it raised concerns about overburdening the process and including too many, at times irreconcilable, objectives. In South Africa the agenda was largely designed by the participants of the Multi-Party Negotiation Process (MPNP). The process was aimed at negotiating the principles that would guide the transition and the parameters and principles underpinning a new constitution, which included the most urgent matters related to the post-Apartheid transition.

Delegating agenda topics to specialized working groups is one way to overcome the problem of overburdening the main table. Afghanistan's agenda for the Constitutional Loya Jirga was never open for deliberation as the task of the process was set out in the Bonn Agreement signed under heavy international pressure. No efforts were made to develop the agenda further as the main aim of the process was to broaden acceptance around the draft constitution by having the delegates endorse the predetermined document. In some instances, processes start with more limited agendas that develop and expand in the course of the process. The roundtable in Poland led to a discussion on a range of economic and political reforms that ended up being broader in scope than initially anticipated by *Solidarność* (Solidarity).

The different cases below demonstrate a range of options of how agendas have been set in different processes.

## Afghanistan

- ≡ Preliminary agenda was established through the Bonn Agreement, signed under UN auspices.
- ≡ The agenda was for each working group to review the draft constitution.

## Bahrain

- ≡ King set preliminary agenda limited to four themes.
- ≡ Participants developed comprehensive agenda.

## Colombia

- ≡ President established preliminary agenda with limited topics through presidential decree.
- ≡ Government and leaders of invited political parties developed comprehensive agenda.

## Lebanon

- ≡ President set up preparatory body (National Dialogue Steering Committee) tasked with the development of the agenda.

## South Africa

- ≡ The political parties agreed to a multi-party constitutional conference where all parties could participate as equals; the participants decided jointly on the agenda.

## Tunisia

- ≡ The roadmap was developed by the Quartet, which was the third party facilitating the process.

## Yemen

- ≡ Gulf Cooperation Council Initiative framed the preliminary agenda.
- ≡ Technical Committee developed highly detailed agenda, including sub-topics to be discussed in the working groups.

## Examples of agendas

**Kenya's National Dialogue and Reconciliation** process was set to discuss:

- “(a) Immediate action to stop violence and restore fundamental rights and liberties;
- (b) Measures to address the humanitarian crisis, promote reconciliation, healing and restoration;
- (c) Measures to overcome the current political crisis;
- (d) Long-term issues and solutions, including
- ≡ Undertaking land reform;
  - ≡ Tackling poverty and inequality, as well as combating regional development imbalances;
  - ≡ Tackling unemployment, particularly among the youth;
  - ≡ Addressing issues of accountability and transparency;
  - ≡ Consolidating national cohesion and unity.”

South Consulting Ltd. (2009, 1)

**Tunisia's National Dialogue** was focused on the immediate political deadlock and the agenda was concerned with:

- “
- ≡ Setting [the final date for] the next presidential and legislative elections.
  - ≡ Finalization of the Constitution and setting the date on which it will be submitted for discussion and adoption by the constituents.
  - ≡ Choosing the political regime (parliamentary, presidential or mixed).
  - ≡ Examining the political violence in the country and the likelihood of the adoption of a national charter against violence and extremism.
  - ≡ Examining the overall situation in the country in terms of cost of living and the continuing deterioration of the citizens' purchasing power.”

M'rad (2015, 34)

## Key considerations for agenda-setting

- ≡ **Not overburdening agendas:** It is understandable that in times of transition, when the very nature of the state is questioned, a whole range of topics pertaining to state reform seem important. Tabling all items for discussion, however, would raise expectations that cannot be met by a time-bound and a limited process of National Dialogue. Agenda items should be tailored to respond to the very objective of the National Dialogue for which the process was set in motion. They should be feasible and doable in the limited timeframe set for the National Dialogue.
- ≡ **Ensuring an inclusive process of setting the agenda:** The process of agreeing on the agenda items is a ‘mini’ negotiation in itself. Those who are excluded from this may be faced with having to discuss topics which were decided upon by others and which they may not see as the critical topics. To get their buy-in under these circumstances is a difficult task.
- ≡ **Starting with ‘soft’ topics:** Sequencing agenda items according to the level of disagreement helps to safeguard the process. Starting with ‘soft topics’ allows the participants to see that there are in fact many commonalities (contrary to their assumptions), contributing towards establishing common ground and hope that the process would lead to success. Most importantly, this helps to grow trust in the process and in their counterparts in a gradual manner.
- ≡ **Giving hot topics due space and time:** While it is important to start with ‘soft’ issues, hot topics should not be ignored or, worse, bracketed for the sake of ‘face-saving’ or ‘harmony’. If the hot topics are not given sufficient space and time to be discussed in detail and a roadmap developed jointly how to address those issues, the whole dialogue effort would be a futile one – a grand ceremony without any tangible outcomes. In some National Dialogues the process was rushed through without providing sufficient time to discuss and agree on the contested items.
- ≡ **Making use of working groups and subcommittees:** While it is important that the most contentious issues are discussed at the main table and not in subcommittees or working groups, sometimes it is useful to break the contentious issue into manageable portions and task a working group to work out options for how these topics could be managed or discussed at the main table.

## 3.2 Finding a trusted and credible convener

National Dialogues are generally convened under the authority of a central figure or body. The key function of this individual or institution is to preside over the process,

*“[T]he reputation and perceived legitimacy of the convener is likely to convey powerful signals about the process and its likely outcomes.”*

Barnes (2017, 44)

sometimes even act as a facilitator. The choice of the convener is often a powerful signal as to what can be expected from the overall process. In National Dialogue, it is through the convening individual or institution that legitimacy is established.

Individuals or institutions bringing such legitimacy tend to be respected religious or societal leaders, a group’s own leader (or someone or an institution endorsed by a group’s leader), or established societal institutions.

A convener can be appointed by the president or king (Jordan) or selected by the process participants during the first sessions of the plenary (Afghanistan), or the process could simply remain in the hands of the head of state (Sudan, Lebanon). Selection during the process is one way to build substantial powers for the participants into the process design. Another way to foster legitimacy can be a mutually agreed convener (South Africa, Nepal). In South Africa, at various points the civil society association Consultative Business Movement served as a mediating convener (along with the South African Council of Churches) for the National Peace Accord process and as Secretariat for the CODESA and MPNP processes. If the actors initiating the dialogue are not considered legitimate, however – whether this is the national government (as in Sudan) or externals (as in Iraq) – it is much less likely they will be able to nominate or select a broadly accepted convener.

Thus, choosing a credible and broadly accepted convener is a strong asset for the conduct of a National Dialogue. Such persons (or institutions) ideally combine the following qualities:

- ≡ **Independence:** the convener should not be perceived as merely a puppet of the president or party in power, but have considerable leeway to act in accordance with what is best for the process. Sudan’s process suffered from the start from the president appointing himself as convener. The precariousness of the choice and perception of the convener is, however, demonstrated by the case of Jordan. The process also suffered from perceptions of regime bias due to the selection of Taher al-Masri, then President of the Senate, as chair. Given that all 60 members of the Senate are appointed by the king, the head of the National Dialogue Committee was seen as a loyalist. However, his role was much more differentiated. Based on his previous work and Palestinian background he

was considered “not too close and not too far”. He was perceived as a critical loyalist, close to the regime but with some space for manoeuvre and certainly not simply a puppet of the regime.

- ≡ **Multipartiality or clear political affiliation:** finding a neutral actor in conflict contexts is often difficult or even impossible and – contrary to conventional wisdom on third-party involvement – not essential either. The important role played by Insider Mediators who have often a clear leaning towards the one or the other party confirms this. Many cases have shown that a convener who is open about their own political affiliation but simultaneously able (and perceived as being able) to maintain ‘fairness’ and an open mind with regard to the concerns of all actors engaged in the process may be equally acceptable. Often a combination of actors with different political affiliations can also help to overcome this dilemma. Colombia even considered a rotating chair for that purpose, but then settled on a team of chairs.
- ≡ **Personal charisma, credibility, respect:** a convener should have the personal qualities of a charismatic leader who can capture people’s minds and aspirations and who is both respected and credible. Though they can grow into this role throughout the process, typically they bring these qualities due to their personal record, history and character. This intrinsic legitimacy stems from traditional or charismatic authority and is rooted in localized perceptions and is thus deeply context-specific. In Nepal, both facilitators brought such qualities based on their previous political work, their standing in society, their personal relations with key leaders as well as their charisma and commitment. Padma Ratna Tuladhar was already well-known for his role as a leader during the popular mass movement for democracy that sought to end the Panchayat system in Nepal.
- ≡ **Political power:** a convener without any political weight could convey the message that little will come from the process, thus dampening expectations. A convener with political clout indicates seriousness and increases trust in the process and its eventual outcome. In the Tunisian case, it was a crucial signal that the largest trade union in the country, the UGTT, joined hands with the employers union UTICA, plus two additional institutions. With employers and workers coming together for the first time on political issues, the Quartet had considerable political clout and strong societal backing.

Contrary to many other conflict transformation mechanisms, National Dialogues should be nationally facilitated processes, as this increases the likelihood of getting societal backing and credibility. Insider Mediators have often played a vital role in National Dialogue settings – convening and facilitating the process and holding it together during its various phases.

**Insider Mediators**, being intrinsic to the conflict context in question, are part of the social fabric of the conflict; their lives are directly affected by it, and they may have a stake in it. They are deeply knowledgeable of the context and may have crucial access to conflict parties that no one else can reach, especially radical and armed actors. Insider Mediators play much more than the role of mediator – negotiator, facilitator, moderator, interlocutor, messenger, bridge-builder, and capacity-builder – usually by way of natural and intuitive skills (rather than a learned, professional skill). Their approach is often rooted in local cultural resources and also in religion, faith and spirituality, in addition to being guided by the intrinsic need to restore broken relationships in their own communities, social groups or constituencies. Insider-outsider cooperation, if carefully calibrated, can increase complementarity and synergies in peacebuilding efforts.<sup>1</sup>

Insider Mediators can be individuals, as was the case in Nepal, but also important civic institutions, such as the Catholic Church in Poland and Guatemala, or a conglomerate of societal institutions as in Tunisia. The Church has played a significant role in many processes, including Poland’s roundtables and the National Conferences in francophone Africa, many of which had an Archbishop or cleric assume central mediating and facilitating functions. These figures all had a strong standing within society, rooted in its cultures and traditions. Interestingly, in Mali this role fell to a key political leader owing to his achievements in the transition phase.

In **Nepal**, the two **Insider Mediators**, Padma Ratna Tuladhar and Daman Nath Dhungana, facilitated secret meetings and exchanged information long before any official process started. Though both were never formally mandated, they enjoyed great trust and, working as a team, were accepted by both sides to the conflict. As Tuladhar explained, “when there was need to contact the Maoist leaders by the government, the political parties, [or] international actors they approached him to make [the] connection. Because of his leftist background, his social public standing as popular mass leader during the time of the Panchayat era, his personal relations with all senior leaders of the Maoists and their trust [...] he was the sole contact point” (quoted in Upreti and Sapkota 2016, 10).

As early as the third year of the decade-long conflict, then Deputy Prime and Home Minister Ram Chandra Paudel contacted Tuladhar to probe the Maoists about their willingness to talk – or as Tuladhar calls it, to engage in ‘talks about talks’. It was Tuladhar himself who organized the first formal meeting in 2000. While it was made public that the meeting was taking place, the date and venue was kept confidential. There were no real preparations, nor any trust-building measures undertaken prior to the meeting. Though without substantial results, the initiative was an important step. As the conflict continued to escalate and the political landscape changed, both parties officially nominated teams to engage in various rounds of dialogue. Dhungana

and Tuladhar were crucial in facilitating these processes. This allowed them to develop and maintain channels for communication that eventually led to the formal peace process, which culminated in the signing of the Comprehensive Peace Agreement (CPA) in 2006.

Throughout the process the role of the facilitators continued to adapt in accordance with the changing needs of the context. Their role was never clearly spelled out and was mainly ad hoc and on a needs basis. There were rarely preparations and their role fluctuated between facilitation and being witnesses and observers. However, they were crucial in building confidence between the sides. When the parties were unable to sit at the same table, they ensured channels of communication would remain open. Their work was an invaluable contribution to the peace process. The arrangement was not without problems: for example, both had a clear and public stance on certain issues, such as favouring a Constituent Assembly. This led those opposed to a Constituent Assembly to question their neutrality and independence. By and large, however, this did not diminish their role. On the contrary, their efforts were crucial in giving legitimacy to the process. This was especially important as the overall process was a top-down endeavour with few avenues for civil society input.

The **Catholic Church in Poland** played a similar role, when calling upon the government to begin negotiations that eventually led to the roundtable of 1989. It helped define the preliminary conditions of the talks and supported the process throughout until final results were achieved. Two representatives were also part of the high-level meetings at the Villa in Magdalenka between the heads of the negotiating parties (3.8 *support structures*). The church representatives mediated during critical moments and served as witnesses. Though the two representatives were not impartial and known to be closer to the demands of Solidarity, they were perceived as playing a crucial role in supporting the process and were accepted by both sides.

In **Guatemala**, the **Catholic Church** assumed a crucial role, supported by the Vatican. Church leaders assumed central positions and held ecumenical reflection meetings in and beyond Guatemala. The then Bishop Quezada Toruno first held the position of conciliator in the National Reconciliation Commission (CNR) and then moved into the role of facilitator and later coordinator of the Civil Society Assembly (ASC). Both institutions were important parties to the process and Toruno was able to significantly support the process through these functions. Other well-known bishops also assumed responsibilities in the ASC and took on strategically important issues. Bishop Alvaro Ramazzini was responsible for the issue of land and Bishop Julio Cabrera for the issue of the return of refugees. All stakeholders participating in the formal process were also brought outside of the country for a series of ecumenical reflections on peace, which added a further layer of religious support to the process. Meetings were held in Costa Rica, the US and Norway. These contributions boosted confidence in the process and facilitated inclusivity, generation of a sense of ownership and legitimacy.

Most of the **francophone National Conferences** were headed by **religious leaders**, which played an important role socially and politically. Interestingly, however, this was not the case in **Mali**, where the National Conference was presided over by Amadou Toumani Touré, who was then the President of the Transitional Committee for the Salvation of the People. This Malian particularity can be explained by the legitimacy accorded to Touré for having carried out the military coup against the regime of Moussa Traoré. Moreover, Touré had no declared presidential ambitions for the post-Conference phase, which enabled him to rise above the political fray.

The **Consultative Business Movement (CBM)** was a low-profile group of **South African** business persons active between 1988 and 1994, which formed as a response to the deteriorating economic situation. CBM was made up of members from both sides of the divide and it supported talks for a negotiated constitutional settlement, highlighting business interests in the process and organizing consultations between business leaders and representatives of different political actors (including the then-clandestine ANC and members of the Apartheid cabinet) before and during the negotiations. As Executive Director of CBM, Theuns Eloff also came to take on the role of head of the secretariat for the peace process, i.e. the “Process and Secretarial Services” in the Convention for a Democratic South Africa (CODESA – 1991–92) and the “Administration of the Multi-Party Negotiating Process” afterwards (1993–94). Subsequently, CBM transformed into the National Business Initiative, working for the economic reconstruction of post-Apartheid South Africa as part of the peace process. CBM provided substantial input in terms of good offices and shuttle diplomacy, thereby becoming a trusted actor during the peace negotiations.<sup>2</sup>

The **Tunisian National Dialogue Quartet** was essential for the success of the process. After President Moncif Marzouki’s call for a National Dialogue in the summer of 2013 – at the height of the political crisis in Tunisia – four groups came forward and their joint leadership of a National Dialogue between the Ennahda-led government and the Nidaa Tounes-led opposition was accepted. The four groups were the General Union of Tunisian Workers (UGTT), led by Houcine Abbassi, the Tunisian Union of Industry, Trade and Handicrafts (UTICA), led by Wided Bouchamaoui, the Tunisian League for Human Rights, led by Abdessattar Ben Moussa and the Tunisian Order of Lawyers (ONAT), led by Chawki Tabib. Together they became known as the Quartet.

This combination of established and well-respected organizations brought together major societal and political elements, both before and after the revolution, including industry and trade unions – thereby reassuring civil society as well as opposition parties. The actors had their own political affiliation and interests and were not perceived as neutral.

However, together they widened the space for dialogue, especially through the alliance between the workers' union UGTT and the employers' union UTICA, and so the pressure on the political parties to participate mounted. What these institutions brought to the process was political clout, personal connections and an internal balance that could only be achieved in this format. The UGTT, for example, clearly supported the secular progressive forces, many of whom were in favour of removing the Islamic Enhadda-led government from power. As the largest and oldest trade union in the country, which also played a major political role in the post-uprising period since 2011, the UGTT brought historical weight and significant popular support to the process. The UTICA, in turn, was the union closest to the former regime of the ousted president Ben Ali. What the Quartet achieved was the creation of a space where the leaders of different political parties could begin to discuss what divided them, build trust and find a way out of the immediate crisis.

Which individual or institution will function as chair – and with what effect – depends on a range of context-specific and (power) political considerations. The table below illustrates different examples of chairs, as well as a range of selection procedures.

Country	Chairs and selection procedures
Bahrain	<p>The king appointed several public figures to facilitate the sessions of the National Dialogue and Khalifa bin Ahmed Al Dhahrani, Speaker of Parliament, to chair it. The nomination of the Speaker of Parliament fuelled doubts among opposition groups about the seriousness of the dialogue process since he had no executive power. Opposition groups had hoped for Crown Prince Salman bin Hamad Al Khalifa, initiator of the talks, to chair the sessions. This would have increased opportunities to make actual contributions to issues of particular importance, such as constitutional reforms.</p>

## Country

## Chairs and selection procedures

## Sudan

Though it was a major demand of the opposition, it was quite clear from the start that President El Bashir would not compromise his position as chair over the preparation and process phase. This was never open for debate. The criteria for the selection of chairs for the working groups were that they would be independent national figures. All working group chairs were hand-picked by the president and all were considered close to the president or lacking political influence. However, some working groups developed major progressive recommendations, including curtailing the president's powers, and some chairs became important figures in the fight to bring the recommendations into the final general assembly for a vote. Major doubts persist over whether these recommendations will actually be put forward to the general assembly as agreed procedure foresees.

## Iraq

The High Preparatory Commission Chair also served as chair of the Conference. Since the whole mandating and preparatory framework was perceived to be heavily influenced by the US-led alliance and dominated by the political elites, the chair of the HPC had little legitimacy among the public.

## Afghanistan

A Leadership Bureau consisting of a chair, three deputy chairs and two rapporteurs was elected in secret ballot elections among the delegates on the first and second day of the Constitutional Loya Jirga. As all posts turned out to be filled by men, the chair decided to create a fourth deputy chair position and two additional rapporteur seats for women.

## Yemen

Perhaps the most elaborate structure was set up to preside over Yemen's National Dialogue Conference (NDC). The NDC was headed by a nine-member presidency including President Abd Rabbu Mansour Hadi (NDC Chairman) and one person each from the following parties: Yemini Socialist Party, Nasserite Unionist Party, Peaceful Southern Movement, Houthis and the Islah Party. The conference was overseen by Jamal Benomar, Representative to the United Nations.

Interestingly, it was decided during the preparation phase that each of the nine working groups would choose their own president and rapporteur. Those were responsible for facilitating the sessions.

### 3.3 Determining participation size

The appropriate size of the process and participation depends on the objective it seeks to achieve. If the aim is to establish a viable security framework or to overcome election violence, only those concerned should be invited, which usually means a relatively small group. If the aim is to re-establish a new social contract, this requires the participation of a broader section of the society. There is no ideal size: they can be small (the 12–34 participants in the Eastern and Central European roundtables), medium-sized (the 565 participants in Yemen) or large (such as the 1,600 participants in Afghanistan’s Loya Jirga). Determining the number and background of those participating depends on the specific (political, cultural, ethnic, sectarian, etc.) characteristics of the country in which the National Dialogue takes place. In societies which tend to have a culture of consensus-based decision-making and a culture of broad-based consultations, the number of participants tends to be high.

Size also depends on the issues a process deals with. For a single-issue process, only a few participants – those directly connected to the issue under discussion – might be needed. Efficiency, pragmatism and urgency are usually the driving factors here: the meetings might be called at short notice and the issues at stake need immediate response and reaction. Selection criteria and mechanisms are often linked to power-political considerations. A process seeking to renegotiate state-society relations will need to find mechanisms for substantial inclusion of society at large. The question of size needs to be counterbalanced with efficiency: what types of outcomes are expected, who needs to be part of the process in order to be credible until when and how? Consensus-based dialogue works best in small groups. The larger the National Dialogue, the more important it is to structure the process in a way that allows for meaningful and effective participation (see above).

Determining process size should be the result of weighing up options and working through dilemmas, as well as thinking creatively about the overall process design. The table below illustrates a brief overview of the benefits and shortcomings of smaller and larger processes respectively.<sup>3</sup>

#### Smaller processes

Due to their smaller size they tend to be more manageable, with more meetings in plenary and only small and fewer working groups. This contributes to requiring fewer resources and logistical efforts.

#### Larger processes

They tend to be able to incorporate large strata of society and enable meaningful interaction across different constituencies. However, this also means these have to be managed well. This includes information sharing, substantial preparation of meetings and thorough and transparent implementation of Rules of Procedure to ensure effective participation. These processes can benefit from the use of innovative process design methodologies to support large-group dialogue.

However, they include fewer sections of society and may reach fewer people. This can lead to them being perceived as exclusionary and lacking in legitimacy.

Plenaries are less useful for discussing complex topics and are likely to take place less frequently. Working groups can be numerous and also need to be managed. Logistics and funding require substantial resources. Capacity-building might play a bigger role to ensure meaningful participation of all participants. Larger scale processes may function as a large-scale political education programme. They are more likely to reach beyond established actors and include and enable political newcomers.

In order to determine the appropriate size, the following can be guiding questions:

- What is the overall purpose of the process? (→ 2.3 *setting the mandate*)
- Whose participation is necessary to affect change on the topic? (→ 3.4 *selecting participants*)
- Who must participate directly, who can participate indirectly? (→ 3.4)
- What other avenues for participation exist? (→ 3.7 *engaging the public*)
- What is realistically possible given the resources and funding available? (→ chapter 5 *on external support*)

The answers are likely to vary depending on one's position and concerns. Extensive consultations on these issues should be part of the negotiation process that establishes the mandate before or during the preparation phase. It is important to put mechanisms in place which ensure that the results of the consultation and other indirect participatory forums directly feed into the National Dialogue process; otherwise they would be just token forums without any larger impact.

### 3.4 Selecting participants

The selection of participants involves defining constituencies, selection criteria and the selection process. National Dialogue processes have to be designed in a way that reflects the social make-up of a society related to the issue(s) to be addressed. Participant selection is one key instrument to ensure that National Dialogues are broad-based and inclusive.<sup>4</sup> This raises a number of questions and dilemmas concerning the composition of the process. It also makes the methodology for selecting participants a pivotal and highly political undertaking. On the one hand, bringing too many parties and interests to the negotiation table makes it harder to reach an agreement.

On the other, the representation of a broad range of actors is a prerequisite for broader popular support, legitimacy and ultimately the sustainability of an agreement. This has clear practical implications: smaller processes tend to be less inclusive, but easier to manage than large-scale efforts, where information-sharing, consensus decision-making and simple participation have to be well designed and coordinated.<sup>5</sup>

*“The transformative potential of National Dialogue processes may only be realized if they: include those groups affected by the issues addressed, are ‘owned’ by the main stakeholders, are legitimate in the eyes of their constituent base and the wider society, and they unfold within a process that is able to help balance power asymmetries so as to enable collective engagement in generating mutually agreed outcomes.”*

Barnes (2017, 9)

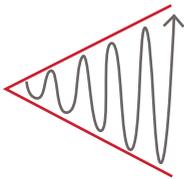
Depending on the overall purpose of the process, either approach may be suitable. “If the two people talking together are heads of states who are legitimate representatives of their respective people, such an exclusive process may be more effective and democratic than a very inclusive process with hundreds of people who have no decision-making power and no strong constituencies” (MSP 2008, 14). However, neither approach is sufficient by itself: “work with More People is not enough if it does not reach Key People, and work with Key People is not enough if it does not reach More People” (Anderson et al. 2003, 55). One way to tackle this dilemma is by thinking

about inclusion in a creative manner. A range of mechanisms exist to include different stakeholder groups (→ Figure 3.3, p. 84). ‘Inclusive enough’ peace process design weighs different core values against each other, thus helping to clarify and perhaps overcome some of the most pressing dilemmas with regard to inclusivity in the interest of maintaining the efficacy of decision-making mechanisms. This has specific relevance when thinking about designing National Dialogue processes. As highlighted by Dudouet and Lundström (2016), special attention should be paid to:

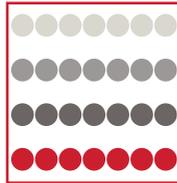
- ≡ **Incremental inclusivity:** Conceive of political settlements as two-step processes, starting with ceasefire deals or framework agreements negotiated between the main belligerents with a restricted agenda focusing on immediate priorities and confidence-building measures. These may include stopping violence, deploying international monitors and setting a framework for subsequent political negotiations. These agreements may be followed by more inclusive processes, including National Dialogues, to deliberate on the details of structural reforms and peacebuilding mechanisms (i.e. in the political, security, socio-economic, human rights and transitional justice sectors).
- ≡ **Thematic multi-arena inclusivity:** Match participation with the thematic focus at stake, but through simultaneous rather than sequential arenas of decision-making. This consists of setting up parallel negotiation tables (working groups), each of which would have a thematic focus and comprise the most concerned and most knowledgeable actors.

- Parallel consultation forums with linkages to the main negotiation table:**  
 This option is one of the most common methods of broadening participation during peace processes and political transitions. It consists of setting up parallel channels for influencing decision-making processes from the outside, such as consultation forums, public surveys or citizens' petitions. These can accompany the National Dialogue. Research, such as that conducted by the Inclusive Peace & Transition Initiative,<sup>6</sup> points to the value and necessity of establishing binding mechanisms to adopt results in the formal National Dialogue process.
- Informal deadlock-breaking mechanisms within inclusive formal arenas:**  
 Within inclusive decision-making bodies, especially National Dialogues, informal deadlock-breaking mechanisms might be fruitful when negotiations are polarized. However, if this leads to the perception that official structures are bypassed, this can quickly delegitimize the formal process.

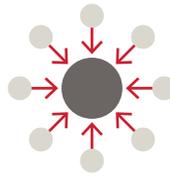
### Four Formats of Inclusivity



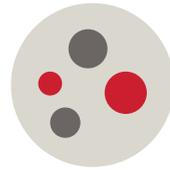
**Incremental**  
 Increasing  
 inclusivity  
 step by step



**Thematic**  
 Multi-arena  
 inclusivity



**Parallel**  
 Consultation forums  
 with built-in binding  
 mechanisms



**Informal**  
 Deadlock-breaking  
 mechanisms  
 within inclusive  
 formal arenas

Figure 3.3: Different formats of inclusivity (based on Dudouet and Lundström 2016)

### Steps and considerations

The selection procedure is often an elaborate multi-step approach, as the examples of Afghanistan and Yemen demonstrate. To a lesser extent, so does Lebanon – see below. That this does not have to be the case is shown by the Sudanese National Dialogue, where the president simply made a public call for all political parties to join the process. This led to the process starting almost exclusively with parties that were close to the regime (with some important exceptions, though most opposition figures resigned again shortly afterwards). South Africa is another case in point, where all political parties could participate, regardless of size, and could select their delegates. More controversial was how traditional leaders could participate. They were eventually allowed to do so, but not on an equal basis as the political parties.

The selection of participants can thus take many forms: direct appointment by the president or the preparatory body; selection from within defined constituencies; invitation with observer status. As Yemen demonstrates, different procedures can be combined through a multi-pronged approach. Determining the selection procedure often also follows multiple steps and involves (1) identifying the constituencies to be included and setting criteria and possibly quotas, (2) determining the number of allocated seats, and (3) actually selecting the participants, including through elections or by allowing the parties to decide who will be their delegates to represent them.<sup>7</sup>

Selection criteria and mechanisms must be coherent, fair and transparent (i.e. clearly communicated) to be perceived as legitimate.

In cases where participants are directly elected to the process, the election process can be further separated into local (community, caucus), regional and national elections. This may include processes for verification and prior public training, as happened in Afghanistan. The preparatory body is often central to conducting the elections. Whether and how quotas play a role depends on the context. In Yemen the introduction of a quota system alleviated a previous selection system that was perceived to be unfair and introduced a mechanism for fairer representation. Jordan failed to use such a system to ensure broader representation and potentially more ownership over the process.

In sum, the steps in a selection procedure designed to ensure adequate participation and fair representation would include the following:

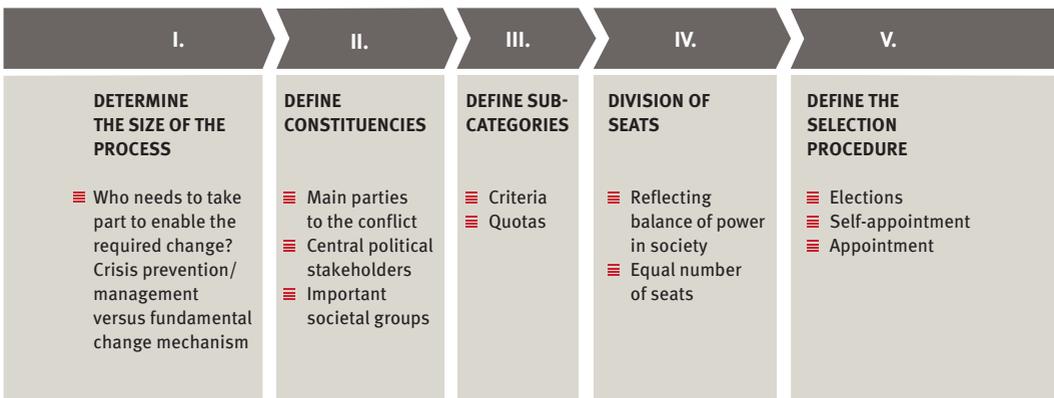


Figure 3.4: Key steps for the selection of participants

**The composition of a National Dialogue** should be a microcosm of the societal strata relevant for addressing the issue under discussion. Importantly, they should always include key stakeholders that (1) are ‘entry points’ to the larger population, or to key stakeholder groups, (2) have leverage to influence opinion or affect change, and (3) must be part of any agreement if it is to be sustainable. Moreover, National Dialogues tend to include some or all of the following actors:

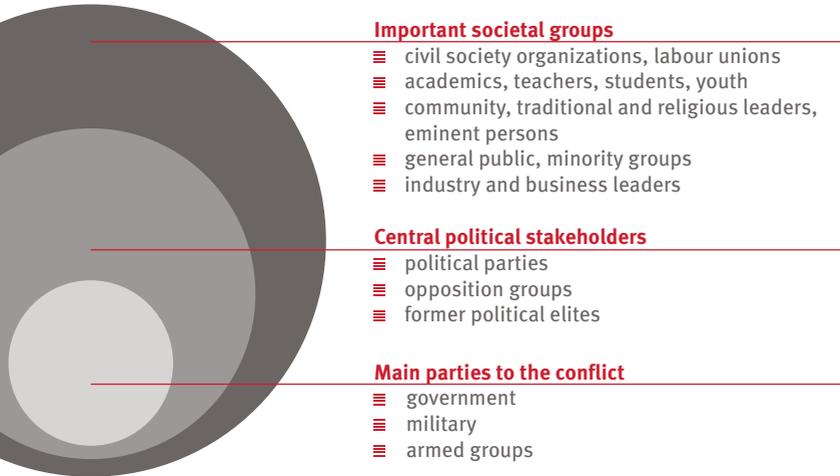


Figure 3.5: Participants in National Dialogues

Additional criteria for selection, often set out in a quota system, tend to include one or all of the following:

- ≡ regional affiliation
- ≡ ethnicity
- ≡ age
- ≡ gender
- ≡ disability
- ≡ social and economic status

**Engaging violent non-state armed actors in National Dialogues** is important where they are among the primary conflict stakeholders.

Non-state armed groups (NSAGs) can be defined as actors “operating primarily within state borders and engaged in violent attempts to challenge or reform the balance and structures of political and economic power, to avenge perceived past injustices and/or to defend or control resources, territory or institutions for the benefit of a particular ethnic or social group”.

Ricigliano (2005, 98)

They and their representatives are likely to be parties to any negotiation process and subsequent political settlement. Ethical and pragmatic arguments in favour of including these actors in mediation and dialogue processes are numerous (Dudouet 2010):

- ≡ Military ('hard power') approaches against armed insurgencies have proven to be unfit for creating sustainable peace;
- ≡ Many such actors have the capacity to reach or implement agreements, and to spoil agreements from which they are left out;
- ≡ Any chance to reduce violence should be seized – even if dialogue attempts do not result in a settlement, they can address humanitarian concerns and save lives;
- ≡ NSAGs might represent marginalized constituencies and have legitimate democratic aspirations;
- ≡ Peaceful forms of engagement tend to strengthen moderate, pro-dialogue elements within a group, while their absence tends to strengthen hardliners by removing viable alternatives to violence;
- ≡ Dialogue with NSAGs helps to develop a greater understanding of their motives and interests, and in turn might build their capacities to engage in peace talks; and
- ≡ Such actors often have the potential to transform into political parties and thereby enrich democratic debate in the future.

Leaders of a politically motivated NSAG are unlikely to negotiate or voluntarily disarm unless the grievances which led them to take up arms are addressed and they can see a role for themselves in post-war governance. The primary factor explaining the absence of a relapse into violence is the inclusion of conflict parties in post-war political settlements (Dudouet, Giessmann and Planta 2012).

### **Determining the number of seats**

Determining the number of seats regulates the relative influence of different parties in the process. Fair representation is crucial and does not imply all parties having the same number of seats but rather being represented in a manner that reflects their standing in society. In Bahrain, the largest opposition party in parliament was given the same amount of seats, as all other opposition parties, which caused a major rift. In Lebanon, the number of participants increased over time and the composition continued to be an issue for debate.

**Bahrain's National Dialogue** included 300 representatives of Bahrain's political societies, civil society groups, unions, professional and business associations, media, members of the Shura Council (the appointed Upper House of Parliament), head of municipality councils, company representatives as well as public figures.

Each opposition group that was invited to participate in the National Dialogue was allowed to be represented with only five delegates regardless of its size or influence in society. Al Wefaq, for instance, was granted five seats although it had won 45% of the votes in the parliamentary elections that were held in 2010.

Furthermore, opposition groups were only granted 35 out of the 300 seats, which led to criticism that the opposition was highly underrepresented.

In addition, some opposition groups that had made a crucial contribution to starting the protests but that were not legally recognized by the government were not included in the dialogue process.

The **National Dialogue Sessions in Lebanon** were called by the president after consultations with the main parties.

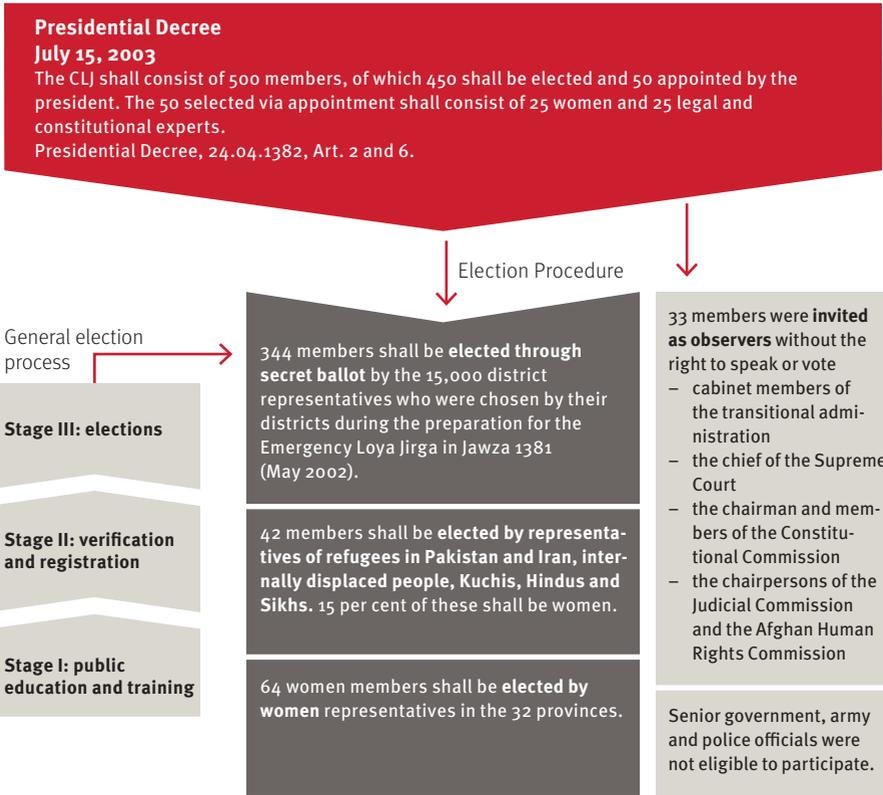
In 2008 and 2009, when President Sleiman started the first series of National Dialogue sessions, 16 political representatives participated. After the elections of 2009, the table was slightly expanded to 20. The composition of the table follows a number of specific criteria: political parties who have more than four seats in Parliament are entitled to join, as do former and acting representatives of the three 'presidents' in the country (president, prime minister, speaker of the parliament). In addition, the participants represent equally the two major alliances: seven representatives each of March 8 and March 14, plus five independents and the president. In addition, there is a sectarian representation so that the most important Christian, Sunni, Shia and Druze sects are included.

In principle, each party is represented by one candidate; the candidate is selected by the parties themselves. All participants are politicians, with the exception of one academic. No woman sits at the table.

### Process design options for the selection procedure

Different countries have designed their own ways for selecting participants. Below are the examples of Afghanistan, Yemen, Jordan and Tunisia.

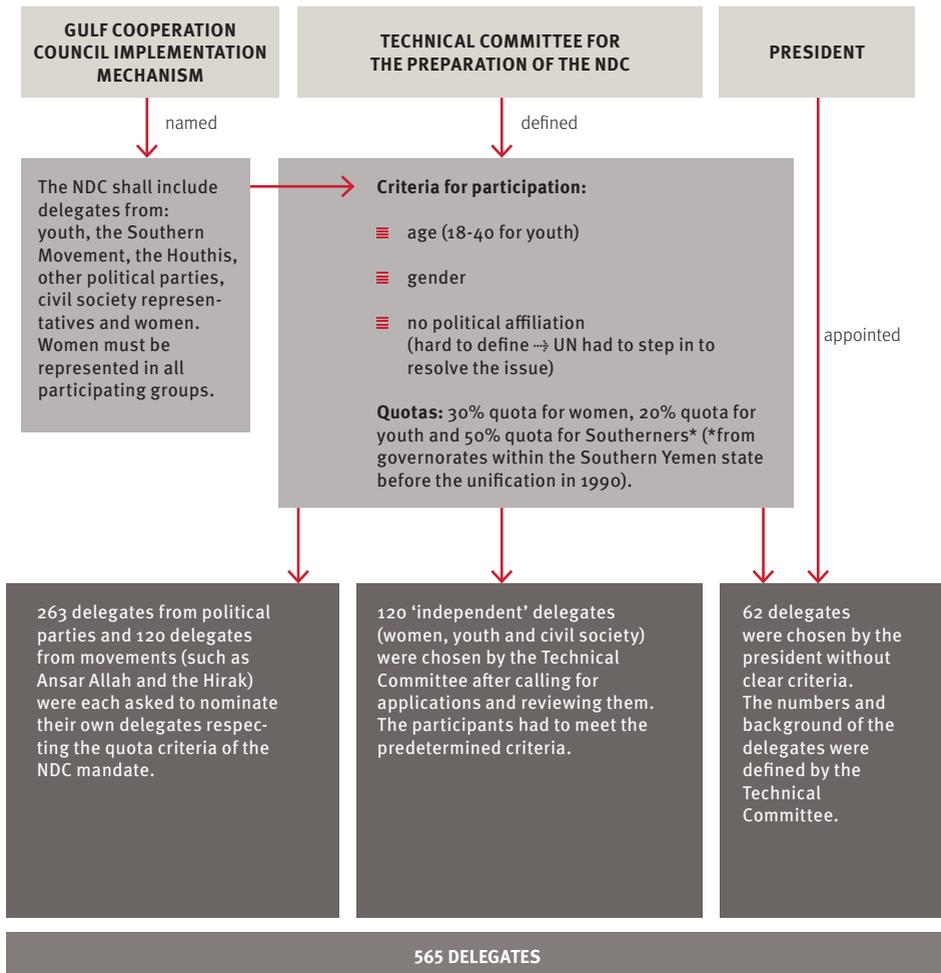
## Selection procedure for Afghanistan’s Constitutional Loya Jirga (CLJ)



Representatives to the Emergency Loya Jirga were elected in a two-tier process similar to that of the CLJ, but with a broader electorate that encompassed the whole population (about 1,500 delegates from all over Afghanistan took part in the ELJ, with over 1,000 elected).

Despite delays due to the absence of a computerized database of district-level representatives, deteriorating security and indications of vote-rigging in some areas, the process was largely seen as transparent, and its outcome tended to mirror power balances in most regions.<sup>8</sup> Overall, the CLJ was considered fairly representative.<sup>9</sup>

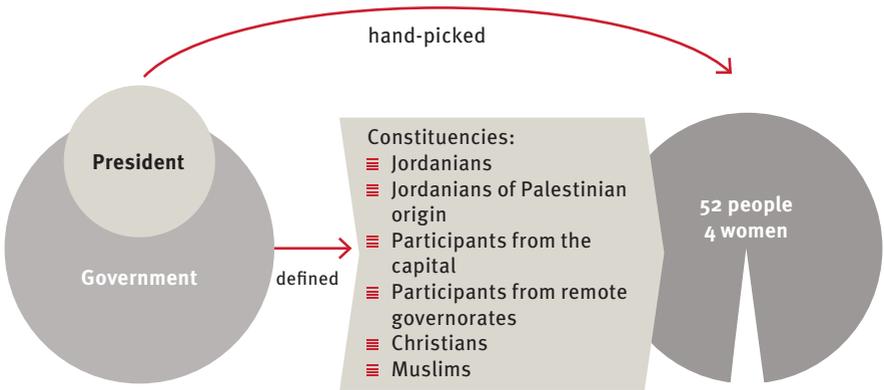
## Selection procedure for Yemen's National Dialogue Conference (NDC)



The participant selection process of Yemen’s National Dialogue Conference (NDC) was broadly inclusive, however, several groups felt underrepresented, including Ansar Allah and the Hirak. The first was given 30 seats in the conference despite being a strong force on the ground. With regard to the Hirak, despite having 85 delegates, the group was underrepresented since those who participated belonged mostly to one faction, which was also a weaker and less influential faction of the movement. The National Dialogue Conference suffered substantially from a lack of legitimacy in the South in relation to the Hirak not being fully represented and the Southern grievances perceived to not having been seriously addressed (including through the failure to implement the confidence-building measures set out in the 20+11 points).

Women and young people had a considerable role during the NDC, which has had a substantial impact on the Yemeni society. Quotas for representation of young people (20%) and women (30%) in government and institutions, as well as in the NDC follow-up committees, are among the main outcomes of the NDC. The problem was defining who the “independent” youth, women and civil society actors actually were, with some questioning their degree of independence. The Technical Committee could not solve it and the UN eventually stepped in to help. These actors also became increasingly marginalized throughout the process, especially during the implementation phase.

## Selection procedure for Jordan’s National Dialogue



**Procedural issues:**  
No quotas, unclear participation criteria and no proportional representation

**Excluded:**  
Youth, Al-Hirak Youth Movement, important political figures and activists, Workers’ Union

**Boycotting:**  
Islamic Action Front

The selection procedure in Jordan was entirely led by Prime Minister Ma'ruf al-Bakhit and the government. In total, 52 people of diverse backgrounds participated in the National Dialogue, but none of them were perceived as representing the people. This impression was reinforced by the circumstance that the prime minister and the government first defined the constituencies and then hand-picked participants. Not only the participating groups and organizations were determined, but also the names of the individuals who were requested to participate from the respective institutions.

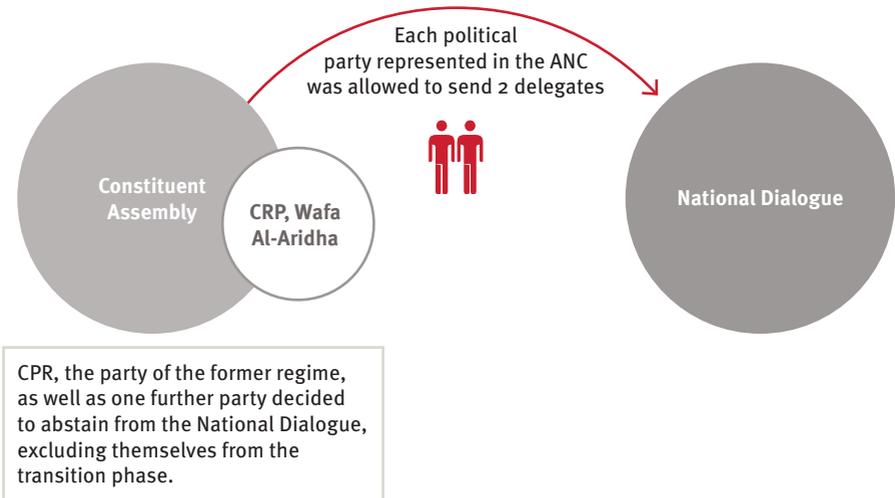
*“Some members were consulted, but others were simply picked on the basis of their experience in moderating dialogue.”*

Taher Adwan, Minister of State for Media Affairs and Communications & Government Spokesperson

- ≡ There was no transparency in the process, including the criteria for participation or the identification of constituencies.
- ≡ There was no proportional representation of different political groups, which meant the Islamic Action Front (IAF), the largest political opposition party in Jordan, was asked to send the same number of delegates as other smaller parties.
- ≡ There was no quota system in place to ensure fair representation of women, young people, or minorities. Women’s organizations criticized the underrepresentation of women, with only 4 out of 52 participants being female. Young people, who make up around 75% of Jordanian society, were left out completely.
- ≡ Political activists criticized the NDC for excluding members of the popular movements and important political figures and activists such as Laith Shbailat and Toujan Al Faisal, both well-known oppositional figures in Jordanian politics.
- ≡ Though the NDC was initially formed to respond to the demands of protestors, members of popular movements that were part of the protest wave in different governorates were completely excluded from the dialogue process.

Although the process was designed and set up by the government, and subcommittees eventually conducted consultations in governorates, the National Dialogue failed to generate broad-based legitimacy and continued to be perceived as a largely elite-driven process.

## Selection Procedure for Tunisia's National Dialogue



The National Dialogue in Tunisia was open to all political parties represented in the Constituent Assembly (ANC), each of which could send two delegates to the National Dialogue. This meant the then governing Troika government (Islamist-led), the secular opposition, and civil society (in the form of the Quartet) were all part of the process. However, the National Dialogue did not include those parties not represented in the ANC (Tunisia has over one hundred parties), nor did all parties agree to participate (e.g. the Congress for the Republic (CPR) and Wafa Al-Aridha). However, the majority of the representative parties joined, and the process was widely perceived as representative because the major elected forces were at the negotiating table.

### Key considerations for selecting participants

Experience shows that a National Dialogue's legitimacy depends on the selection process and the participants who are eventually chosen to represent the interests of a cross-section of society. This can be a difficult undertaking since accountability and representation are hardly measurable in the context of National Dialogues.

- ≡ Public consultations can address this common challenge (→ 3.7 *engaging the public*). Since participant selection does not follow formal democratic procedures, it might not be immediately clear whom they are representing and how they engage with their constituencies. This can be counteracted by creating spaces allowing participants to engage with the public and bring their concerns back into the process. Parallel regional dialogues could be an ideal mechanism for including broad sections of society.

- ≡ The issue of accountability and representation is less complicated when participants in dialogue are elected members of parliament or leaders of trade unions, or when they enjoy traditional legitimacy, for example as religious or tribal leaders. Professional associations also have high legitimacy, as they tend to have clear lines of communication and authorization and methods of holding people accountable. The inclusion of association representatives who enjoy broad-based acceptance is one way to ground a process within wider society. Tunisia is a case in point, where the Quartet brought with it historically established societal ties that benefitted the process at large.
- ≡ The growing interest in including women, young people and minorities in transition processes has seen more representatives of such groups appointed to delegations. While they may find room to raise the concerns of young people and women during internal party meetings, they may ultimately be firmly bound by party lines. One way to address youth and women's issues is to include representatives of civil society organizations that work specifically on these issues. In traditional societies, where women are subordinate to men, the appointment of women as delegates (promoted and instigated by the international community) should be carefully calibrated. Confronting archaic gender norms is important, but if this is prescribed or imposed, it will fail to achieve the desired outcome.

Given that selection procedures tend to favour already-dominant groups in society, the following measures should be considered to counteract this:

- ≡ **Transparency:** This should apply in relation to identifying constituencies and to selection criteria as much as to the actual selection procedure. People want to understand how and why people got selected and to see a fair chance in getting their candidates elected. The hand-picking of candidates, as in Jordan, gives the impression that the process is biased from the start. The multi-pronged approach used in Yemen meant that although the president directly appointed delegates without clear criteria, this was balanced by a generally accepted way forward through other means. Interestingly, in Yemen, there was not much debate about the identification of the constituencies, which demonstrates tacit support for the selection. Allocating a certain number of seats to each constituency was more contested and required transparent communication and elaboration. Generally speaking, the selection procedure has to be established through clearly understandable mechanisms and choices.
- ≡ **Fair representation:** An honest assessment of each party's influence should determine the allocation of seats. Processes opting for a 'same seats for all' approach when dividing opposition seats create an artificial symmetry inside the National Dialogue that does not reflect realities on the ground. In Bahrain, each opposition group invited to participate was allocated five seats, regardless of their size and influence in society. Al Wefaq, for instance, was granted five

seats despite having won 45 per cent of the votes in the parliamentary elections of 2010.<sup>10</sup> They ended up walking out of the process. Other societal groups, such as women and young people, will also have to be adequately represented, recognizing their crucial role in society. Yemen managed to address this well through the quota system and with lasting effects. Jordan did not find a mechanism for including women or young people adequately, discrediting the overall process.

- **Inclusion of unusual actors:** To address root causes, it may be necessary to include more independent and less interest-bound actors, but without threatening the key actors. Crucially, local influentials supporting the change process but not bound by party lines may be well-equipped to play a balancing function in a divisive environment. Moreover, many processes are socially mandated through social movements; since these movements are not registered as official parties and thus not legally recognized by the government, they are often left out entirely despite their crucial role in pushing for a National Dialogue in the first place. This has been the case in processes as diverse as Bahrain or Colombia. In Jordan, the inclusion of well-known activists could have bestowed the process with substantial legitimacy.
- **Allocation of sufficient time:** Developing the selection procedure and generating buy-in requires time. In Iraq, the Provincial Councils tasked with the election procedure only had three to four days to inform the public, receive applications and select the delegates. Consequently, large parts of the regional population were not aware of the provincial selection process – some had not even heard about the conference.<sup>11</sup>
- **Broad-based information sharing:** A proper selection process requires relevant information (→ 3.7 *engaging the public*). In the case of Iraq this contributed to distorting the election procedure. As noted above, there was barely any time for information sharing, which meant that people less organized and not connected to the provincial political establishment had fewer chances to gain representation. Political parties connected to the interim and preparatory bodies (the IGC and the HPC) were more successful in putting candidates forward than civil society actors, as these had not been informed. Thus, providing adequate information about National Dialogue to all relevant strata of society is crucial for ensuring equal chances for broad-based representation.
- **Widening meaningful participation:** The symbolic importance of widened participation in terms of allowing marginalized communities or women and young people to voice their concerns and join the formal political arena, regardless of the achieved substantive outcomes, should not be neglected. A situation of ‘internal exclusion’, however, where they are allowed to participate in but have no power to influence the process can lead to frustration and dissatisfaction and eventually even raise the possibility of actors turning to

spoiling behavior later on. Hence their status at the National Dialogue should be that of a participant with power to influence the decision-making processes, not an observer. During the preparation phase, other challenges need to be analysed: are there structural (e.g. language), institutional (e.g. capacities and knowledge), cultural or technical challenges that can prevent representatives from participating on equal terms? These challenges can be overcome through preparation, support and expert advice, but they have to be carefully assessed and addressed as participation only translates into influence on decision-making if accompanied by effective empowerment mechanisms.

- ≡ **Role of externals in ensuring diverse participant base:** External actors can play an important part in ensuring broad-based representation. Their involvement will not in itself redeem a faulty process, but it can provide important impulses concerning the inclusion of women and young people, as the Gulf Cooperation Council Initiative did in Yemen. In Iraq, the UN increased the total number of participants to allow stronger representation by minority and other underrepresented groups. However, this came late in the process and failed to change the overall perception of the selection procedure. Generally, this is a delicate matter as externals can enhance the participation of marginalized sections of society, but at the same time can discredit it if their vision of inclusion differs from locally held ideas.
- ≡ **Issues around NSAGs:**<sup>12</sup> The provision of guarantees can be a central element facilitating the inclusion of non-state armed actors – whereas their absence can effectively exclude them, as was the case in Sudan. In Colombia, the peace talks that were separate from but ran alongside the National Dialogue granted each armed group one seat in negotiations with the government. Moreover, an analysis of NSAGs is important to understand the specific challenges that might arise in including them in a National Dialogue. General factors that facilitate or constrain dialogue and political (re)conversion of NSAGs are internal cohesion and leadership, structure, political motivation and agenda, political capacity and experience, territorial control, social legitimacy, and how the group has used violence (Dudouet, Planta and Giessmann 2016). Another challenge is the justice versus peace dilemma. While ignoring justice imperatives for human rights violators during the peace process may entrench impunity and prevent accountability in the future, sustainable peace also depends on an inclusive peace process bringing all relevant actors to the table. Thus, insisting on accountability – specifically when prosecuting leading figures in NSAGs – may hamper delicate peace processes and cause a relapse into violence (Davis 2014). The field of transitional justice offers a range of options that can help address this issue, for instance by balancing conditional amnesties for certain crimes with truth-seeking mechanisms and reparation measures for victims (including economic compensation or medical and psychological rehabilitation), or by establishing vetting and lustration provisions that recognize the accountability for past crimes and abuses of all conflict parties. When it comes to such

mechanisms, international supporters should ensure that they are applied even-handedly, including state as well as non-state perpetrators of crimes, and do not target or ostracize only one side in the conflict.

### 3.5 Setting guiding principles and rules

National Dialogues are often guided by overarching substantive or process-related principles. These principles are useful as they provide overall guidance and build the basis of the dialogue.

In its official name, the National Dialogue Conference in Yemen was described as “comprehensive”, to which was added: “through dialogue we build the future”. For Bahrain, the focus was less on fundamental change, but more on addressing internal cleavages. Its official slogan read “Our Bahrain. Our Unity”.

In addition to overarching guiding principles, many processes develop a detailed set of guidelines, a code of conduct or procedures ahead of the process to which parties need to commit. These are often developed by the preparatory body, sometimes with external assistance. In some cases, one of the first meetings of the National Dialogue is dedicated to agreeing on them in plenary. These rules provide procedural guidance and support commitment towards an approach based on dialogue. They are also a way for the facilitator to signal to participants their authority over procedural aspects of the process. Rules of Procedure vary substantially in focus and depth; often, however, they include the following:

Procedural fairness is an important factor in generating legitimacy: Clarity should exist about procedural rules, supporting the ability to monitor the process and participate effectively.

- ≡ Commitment to an open and respectful mode of communication and engagement;
- ≡ Commitment towards seeking common ground and the resolution of the conflict;
- ≡ Commitment towards a consensus-based mode of decision-making and clarification of decision-making modalities;
- ≡ Clarification of roles of the different bodies;
- ≡ Clarification of public outreach and media strategy.

Rules of Procedure support respectful engagement by the participants and they can be invoked by the facilitators in cases of non-compliance. This is to avoid conflict over each step and to keep the process on track. That is, if the procedural rules are clear and accepted by all sides. If this is not the case, conflict can erupt over the procedural rules.

**Bahrain.** A set of dialogue principles and procedures that would guide the National Dialogue were prepared before it began. All participants were asked to comply with these principles and procedures. Among the dialogue principles were openness, transparency, the commitment to reach common ground and the willingness to learn from past experiences and to take a forward-looking stance on issues. As for the dialogue procedures, they included outlining the rules of discussion, respecting the other's point of view, expressing one's opinion in a clear and concise way, addressing specific issues and not persons that might be related to them, avoiding prejudgments about the other and contributing to reaching consensus. The ground rules were only partially effective in keeping the process on track, as they failed to be meaningfully translated into practice, while fast-developing events on the streets and in the region overtook the slow-moving dialogue process.

### Rules of Procedures for the Kenyan National Dialogue and Reconciliation

- “1) The sessions of the Kenyan National Dialogue and Reconciliation, and the committees and task forces that may be established by the Session Chair or Co-Chair and the Parties, shall be held “in camera”. For the purpose of these rules “in camera” means without the general public, press, media or television coverage.
- 2) No one may speak at a session of the meeting without prior consent of the Session Chair or Co-Chair, who shall call upon the speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The Session Chair or Co-Chair may call speakers to order if their remarks are not relevant to the subject under discussion.
- 3) No offensive, degrading or inflammatory language shall be used.
- 4) During the meetings, a participant may call for a point of order, to which the Session Chair or Co-Chair shall react immediately. The participant who calls for a point of order may not, in his/her statement, deal with the substance of the issue under discussion.
- 5) At the request of either Party, the Session Chair or Co-Chair may adjourn the meeting for the purpose of consultation.

- 6) When an issue has been adequately debated, any participant may call for the closure of the discussions. When, in the opinion of the Session Chair or Co-Chair, the debate of an issue is exhausted for lack of speakers or no new ideas are being advanced, the Session Chair or Co-Chair shall summarize and declare the discussions closed.
- 7) At his own initiative, or at the request of a Party to the National Dialogue and Reconciliation, the Session Chair or Co-Chair shall hold informal consultations with the Parties, or their Heads of Delegation, together or separately. The Session Chair or Co-Chair may also mandate a Representative, with the agreement of the Parties, to undertake consultations on his/her behalf.”

Rules of Procedures for the Kenyan National Dialogue and Reconciliation (2008)

“ **Mali.** The implementation of the National Conference was governed by Internal Regulations developed under the authority of the Transitional Committee for the Salvation of the People (CTSP) and adopted in plenary by all delegates on the second day of the National Conference. To this effect, the participants were invited to comply with these regulations to ensure the proper running of the conference. The articles below were particularly relevant to the proceedings:

**Article 1:** The National Conference is a sovereign assembly convened, in accordance with the Basic Act of 31 March 1991, by the Transitional Committee for the Salvation of the People (CTSP) with a view to discussing the state of the nation, elaborating a draft Constitution and adopting an Electoral Code and Charter of Political Parties.

**Article 19:** Before the start of the proceedings, the interim bureau must verify mandates by delegation, by name or through an attendance monitoring system. The voluntary withdrawal of a delegation from the National Conference can in no way be allowed to interfere with the smooth execution of this work.

**Article 27:** The decisions of the National Conference are made by a simple majority of participants in attendance.

**Article 34:** The internal regulations of the National Conference come into force as soon as they are adopted. Any situation unforeseen by the present Internal Regulations will be resolved by the conference.”

Sy, Dajouo and Traoré (2016, 16)

**Mali's** current efforts to revive the National Reconciliation Conference are guided by a new set of principles which reflect lessons learned from the previous experience, and include a commitment to broad societal involvement down to the community level, implementation monitoring, and a call for internationals to put Malian concerns first. The principles are as follows:

- “1. Beginning with the collective deliberation of the various communities on the causes and origins of the crisis, the problems it poses, and possible responses to them, while highlighting the values to be promoted in order to emerge from the crisis.
2. Opening a public discussion on the current methods of governance of public affairs and the necessary political, institutional and economic reforms.
3. Systematizing the participation of the totality of Malian society in all its diversity, both in terms of its territorial as well as its socio-cultural composition.
4. Taking stock of the levels of community knowledge and know-how in the means of social, institutional and political regulation and their use for peace, national reconciliation, and development.
5. Mobilising the material, intellectual, and even financial contributions of all the living forces of the nation that are political actors – associations, academics, women, youth, the diaspora – in a participatory and inclusive process.
6. Ensuring the political and institutional anchoring of the process through a broad spectrum of social and media activity.
7. Establishing an institutional mechanism for monitoring the recommendations. Such a mechanism will have to periodically evaluate how the implementation of recommendations is advancing.
8. Marshalling all the international partners intervening in Mali, leading them to comply with the process by providing assistance that takes into account the aspirations of the Malians.”

Sy, Dajouo and Traoré (2016, 33)

**CODESA I – Declaration of Intent, December 21, 1991**

“We, the duly authorised representatives of political parties, political organisations, administrations and the South African Government, coming together at this first meeting of the Convention for a Democratic South Africa (CODESA), mindful of the awesome responsibility that rests on us at this moment in the history of our country, declare our solemn commitment:

1. to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, color, sex or creed; a country free from apartheid or any other form of discrimination or domination;
2. to work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law;
3. to strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans;
4. to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilisation and by promoting free political participation, discussion and debate;
5. to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:
  - (a) that South Africa will be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;
  - (b) that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary;
  - (c) that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system, shall be that of proportional representation;
  - (d) that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances;
  - (e) that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;

(f) that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees equality of all before the law.

### WE AGREE

1. that the present and future participants shall be entitled to put forward freely to the Convention any proposal consistent with democracy;
2. that CODESA will establish a mechanism whose task it will be, in cooperation with administrations and the South African Government, to draft the texts of all legislation required to give effect to the agreements reached in CODESA.

We, the representatives of political parties, political organisations and administrations, further solemnly commit ourselves to be bound by the agreements of CODESA and in good faith to take all such steps as are within our power and authority to realise implementation. [...]

We, the South African Government, declare ourselves to be bound by agreements we reach together with other participants in CODESA in accordance with the standing rules and hereby commit ourselves to the implementation thereof within our capacity, powers and authority.”

CODESA I - Declaration of Intent (1991)

## 3.6 Developing decision-making and consensus-building modalities

Decision-making in National Dialogues is usually based on consensus, often complemented by other pragmatic mechanisms where deadlocks need to be broken (→ 3.8 *creating support structures*). Moreover, transparent decision-making rules are an important feature of National Dialogues, but in the case of hard negotiations during key political moments, crucial decisions are taken behind closed doors, often through majority voting or elite consensus. The use of consensus-based decision-making nevertheless fosters democratic participation. If practised well, it fosters legitimacy and a deep commitment by a wide range of actors to the process and its outcomes. The table on page 103 illustrates the key characteristics, weaknesses and strengths of decision-making based on consensus and voting. Moreover, within a

consensus-based decision-making mechanism there are further variations as to how to structure the process, as the table on page 104 depicts. It is advisable to ensure there is an accepted way out should consensus not be reached.

	CONSENSUS	VOTING
Characteristics	<ul style="list-style-type: none"> <li>■ A decision-making mode that requires every party to agree with a decision. It is not enough to just have an agreement by a majority. The dialogue continues until consensus is reached.</li> <li>■ In a consensus-based process, parties work together in collaboration to develop an agreement that is satisfactory to all parties at the dialogue table.</li> <li>■ Participants come together to share information, exchange views and discuss policy issues in order to formulate a common decision that every participant can accept.</li> <li>■ Depending on the type of consensus, the degree of agreement can vary.</li> <li>■ Modes of consensus decision-making are: active, passive, general, qualified and sufficient.</li> </ul>	<ul style="list-style-type: none"> <li>■ Decision-making by voting means that the majority rules on agreements.</li> <li>■ Majority voting is often regarded as competitive (win/lose), rather than cooperative.</li> <li>■ Modes of voting decision-making:                             <ul style="list-style-type: none"> <li>– Simple majority (min. 50%+ of all votes)</li> <li>– Absolute majority (min. 50%+ of all participants)</li> <li>– Qualified majority (min. 2/3, 3/4, etc. of all votes or all participants)</li> <li>– Golden shares / special veto rights (for certain groups, e.g. minority groups)</li> </ul> </li> </ul>
Strengths	<ul style="list-style-type: none"> <li>■ High inclusivity and ownership</li> <li>■ Respect for minority viewpoints</li> <li>■ Responsibility for success and failure of decision-making is shared among all dialogue members</li> <li>■ Consensus decisions catalyze commitments to decisions among all dialogue participants and facilitate effective implementation</li> </ul>	<ul style="list-style-type: none"> <li>■ Higher time efficiency in reaching a decision when necessary</li> <li>■ Important policy decisions can be less blocked by spoilers</li> <li>■ Decision-making process is easier to manage</li> </ul>
Weaknesses	<ul style="list-style-type: none"> <li>■ Often more time-consuming process than voting, in particular concerning key policy decisions</li> <li>■ Depending on the mode of consensus, decision-making can be blocked</li> </ul>	<ul style="list-style-type: none"> <li>■ Competitive dynamics of voting may weaken dialogue and decrease creativity of decision-making</li> <li>■ Win-lose notion of voting can hamper implementation and create barriers for the National Dialogue</li> </ul>

## CONSENSUS

### ACTIVE CONSENSUS

Active consensus means that the participants of the National Dialogue formally express their agreement. If participants abstain, no consensus is reached and the dialogue continues.

### PASSIVE CONSENSUS

In passive consensus decision-making participants can abstain. Dissenters may voice their concerns, which can be documented. However, as long as participants do not actively oppose, a decision is reached.

### GENERAL CONSENSUS

General consensus is reached when all participants agree to the decision.

in case of deadlock:

### DEADLOCK-BREAKING

**General consensus remains the preferred method of decision-making.**

If the participants cannot reach consensus and the National Dialogue is deadlocked, sufficient or qualified consensus can serve as a deadlock-breaking mechanism. Rather than letting the process prolong with missed opportunities, sufficient or qualified consensus can achieve an agreement. However, the participants have to remain committed to dialogue.

### SUFFICIENT CONSENSUS

Sufficient consensus is reached if the main stakeholders (across the conflict divide) agree with the decision. It is not sufficient if **ONLY** the key stakeholders agree, but the majority on both sides does not.

### QUALIFIED CONSENSUS

Qualified consensus means that it is enough for a decision to be adopted if a certain number of participants agree. The quota for qualified consensus are defined in the Rules of Procedure.

Based on a graphic initially developed by the National Dialogue Support Program for the preparation of the Yemeni National Dialogue Conference in 2013.

In South Africa, 26 political groups participated on the basis of “formal equality, irrespective of the size of their estimated support” (Odendaal 2014, 69). To prevent parties vetoing progress, the rule of consensus decision-making was introduced. If they were unable to reach consensus, they referred to the planning committee which introduced the principle of “sufficient consensus”. Sufficient consensus in reality meant consensus between the main belligerent parties, the ANC and the NP. While they could use their power to influence their constituency to get the needed support, this also undermined the principle of consensus and effectively sidelined the minority parties.

Consensus-based decision-making is often a tedious and precarious process. Most processes develop a multi-step approach and have built-in mechanisms to overcome deadlocks and difficult decision-making processes, as the examples of Bahrain and Yemen demonstrate. These tend to be based on a mediated approach or arbitration and include a body specifically tasked to address situations where no consensus can be reached (→ 3.8 *creating support structures*).

### Arbitration

Disagreement is referred to a **third party, who ends the disagreement by taking a binding decision.**

### Options:

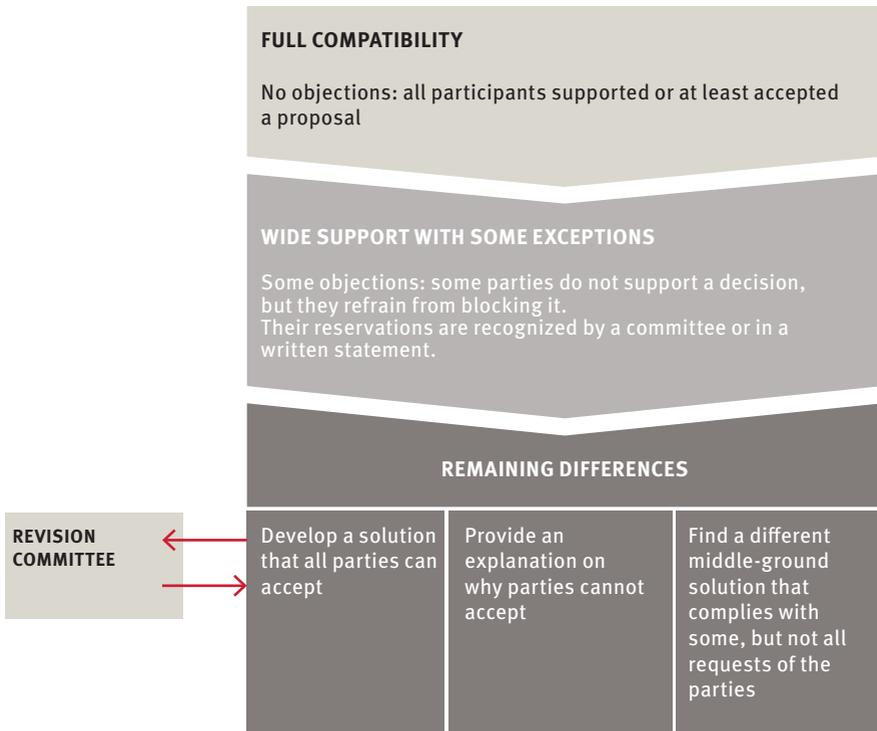
- ≡ Establishment of a “Council of Elders”, which could try to adopt decision by consensus, or if also deadlocked, by absolute majority voting
- ≡ Initiate an ad hoc referendum to decide on deadlocked issues.

### One-Text Procedure

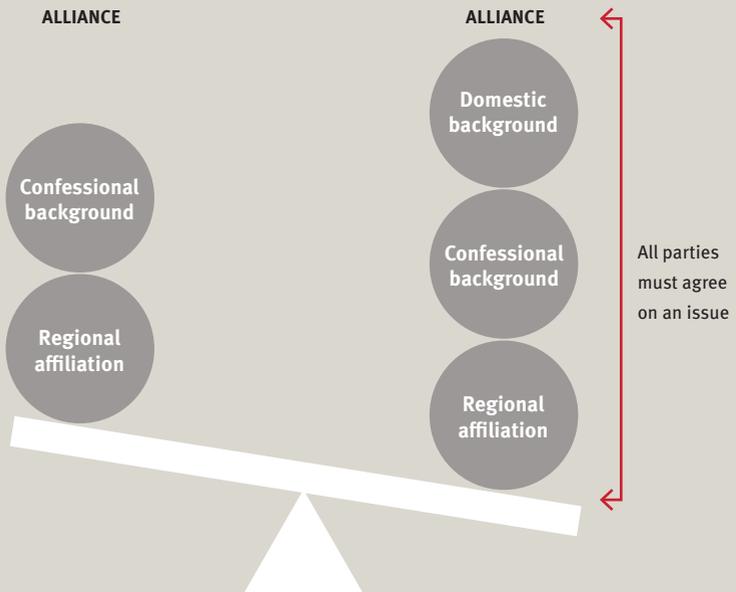
This is an instrument to facilitate consensus-building. The process of reaching an agreement on thematic issues can be complex. Moreover, the agreements, when reached tend to reflect the lowest common denominator, leaving all parties involved dissatisfied. The One-Text Procedure seeks to address these problems by offering one text on which all parties can work and produce a joint document that then reflects the interests and needs of all parties involved. This process is usually facilitated by an external facilitator (Common Space Initiative in Lebanon or the One-Text Initiative in Sri Lanka are examples). The facilitator usually kick-starts the process by producing the first draft of the text taking in the needs and concerns of all parties, which then is commented on and amended by all parties. This process of drafting, criticizing and re-drafting is repeated until either time restrictions force it to come to an end, or the facilitator feels that the text cannot be significantly improved. No party has to commit to the text until it is ready and reflects their needs. This is an innovative method to build consensus, contextualize seemingly intractable issues and positions, understand the needs and concerns of the other side, work on a concrete issue together and develop relationships and trust.

## Examples of process design

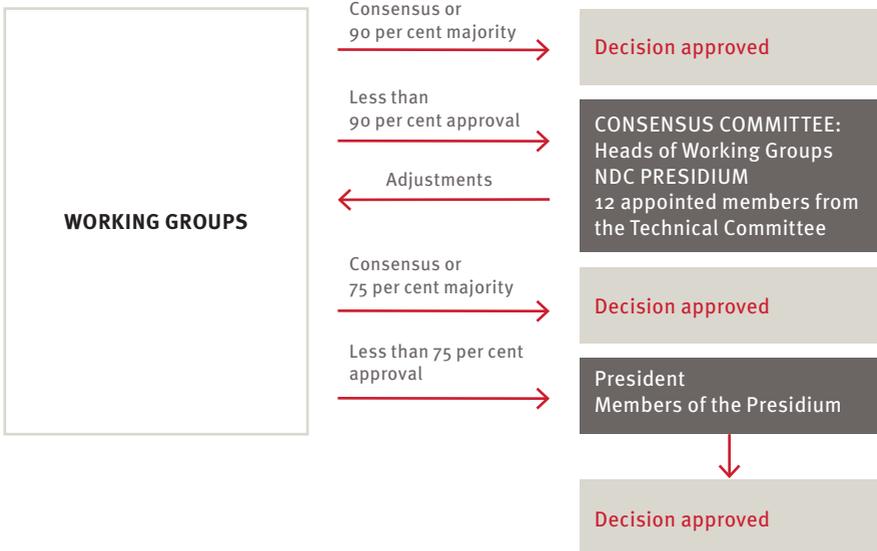
In **Bahrain's National Dialogue**, decisions were taken on the basis of consensus. However, different levels of agreement were developed to cope with disagreements and avoid a breakdown of the talks if no full consensus could be reached.



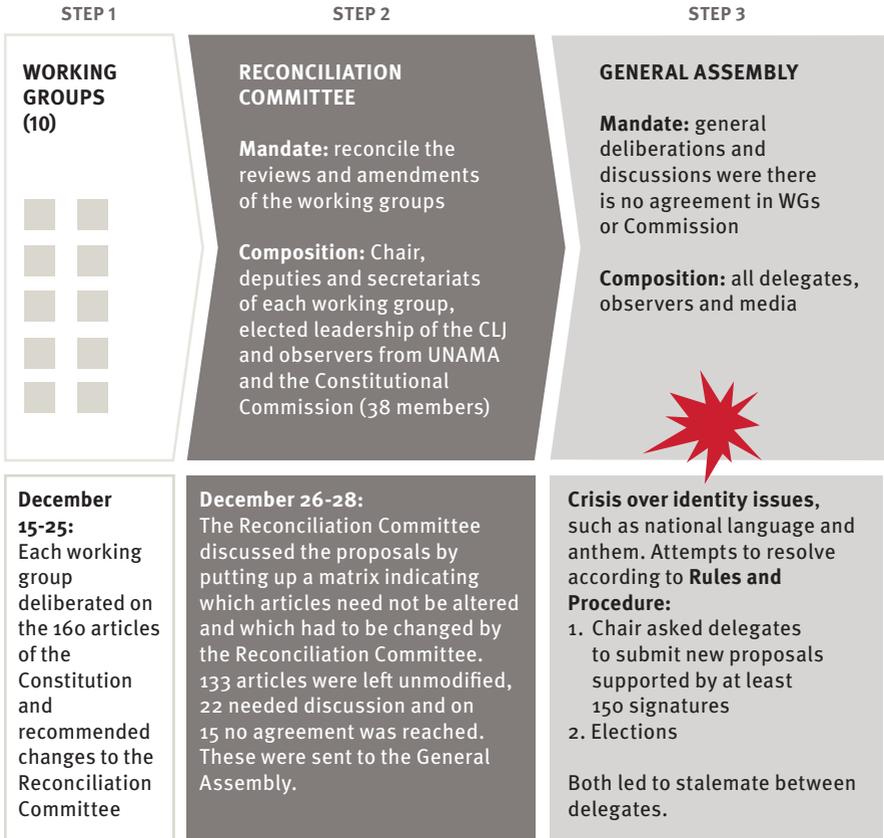
In the **Lebanese National Dialogue**, decision-making is heavily based on consensus. It follows the principle that decisions at the National Dialogue table require the buy-in of all participants. The rule is different from the procedure in the cabinet, where decisions should be made by consensus, but can be adopted by approval of a two-thirds majority of the attending members of the government (Article 65 para. 5 Lebanese Constitution). The consensus in the National Dialogue approach encompasses the careful evaluation of the President whether all major parties would be willing and available to attend the dialogue session. The baseline is that the key political parties of the full political and confessional spectrum must work together to develop an agreement that is satisfactory to all of them. On the political side, balance between the stance of the Saudi Arabia-leaning March 14 alliance and the Iran-leaning March 8 alliance has been critical. In this context, domestic and regional aspects have been equally relevant. On the confessional side, equilibrium between Christian, Sunni, Shia, Druze and other nuanced confessional interests has been sought. The principle of consensus has been Lebanon's blessing and curse: on one side, it has ensured that decisions of national concern are supported by the political leadership across party lines. On the other, decisions have often not been taken and dialogue has remained deadlocked because of the consensus principle, which works to the advantage to those benefiting from the status quo.



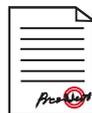
In **Yemen's National Dialogue Conference (NDC)** decision-making was primarily based on consensus. However, in practical terms this meant that a 90 per cent vote was required to pass a decision. If a 90 per cent majority was not reached, then the decision was passed to the Consensus Committee (… *Consensus Committee, p. 131*). The Consensus Committee fulfilled a deadlock-breaking function by attempting to make adjustments to decisions and returning them to the working groups. The decision was then voted on once again with a 75 per cent majority required to pass the decision. If still no agreement was reached, the decision was then passed to the President for deliberation and a final decision in consultation with other members of the NDC presidency.



During **Afghanistan's Constitutional Loya Jirga** decision-making was based on a deliberate multi-step structure, with the General Assembly voting on all issues left unresolved by the Reconciliation Committee. Whereas the Committee was able to arrive at decisions on most suggested amendments crucial issues were referred to the General Assembly. That almost collapsed over identity issues, which could only be resolved with the concerted efforts of the Secretariat, the Bureau, the delegates themselves, as well as the support, assistance and pressure of UNAMA and the international community.



The entire infrastructure worked to overcome the impasse: **the Secretariat, the Bureau, the delegates;** with the support from and under substantial pressure by the international community.



↓

The Constitution was adopted by consensus on January 4, 2004

## Key considerations for decision-making

- ≡ The role of consensual decision-making is crucial in National Dialogues. It fulfils an important experiential function, supporting trust-building, changes in relationships and fostering a more collaborative approach towards doing politics. Nevertheless, this should not obscure the fact that decisions are often taken along identity lines, as was seen in Lebanon among other cases.
- ≡ To avoid breakdown in the absence of consensus, most processes have built-in deadlock-breaking mechanisms. These can be a committee or institution tasked with settling disputes and/or reverting back to voting. Backdoor negotiations among key players also remain standard procedure but are a double-edged sword. They can facilitate making substantial headway or discredit the process as elitist and exclusive.
- ≡ The use of consensus potentially helps to develop shared and expanded agendas beyond the key stakeholders and to include voices from smaller political forces or constituencies. That way, new topics can be tabled and potentially picked up by key players. However, consensus can also work the other way. In Lebanon, the absence of consensus benefited the more established forces, as no movement at all meant preserving the situation as it was.
- ≡ The design of deadlock-breaking mechanisms is crucial. Both Yemen and Bahrain had a committee to resolve outstanding issues from the plenary; Yemen even had a two-tier process. In the final instance controversial issues were left for the president to decide, which discredited some decisions. This led to tensions, especially towards the end of the process, when key issues over the division of the regions were still left unanswered.
- ≡ Substantive issues pertaining to the core identity of different constituencies (such as recognition of language, cultural promotion, etc.) should not be addressed by a vote, where the majority would usually overrule ethnic minority communities for whom identity issues are among their longstanding grievances. Afghanistan is a case in point, where the process almost broke down when core identity issues were set to be voted on in plenary.

### 3.7 Engaging the public

Even where the selection procedure has been designed with due care and consideration for the social make-up of the society, those present at the table will always be a small selection. Ensuring that the process will be carried by society at large necessitates public outreach and consultation. Being able to follow the process and to provide input at different stages increases public support and buy-in. This is especially crucial during the implementation stage.

Popular consultation is particularly important when a National Dialogue seeks fundamental change. **Importantly, when undertaking public consultations, methods must be devised to disseminate information and meaningfully feed the input back into the process.**

Engaging the public also has benefits for those sitting at the negotiation table. It makes it easier to explain the steps taken and agreements reached. Moreover, seeking public acceptance for the most fundamental outcomes of a National Dialogue process, for example constitutional amendments, through a referendum, can reassure the public and increase the legitimacy of the process. Moreover, it can open space for parties to negotiate with the other side, as it becomes easier to communicate to their constituencies and the public that they will not be forced into an unacceptable deal. However, when consulting the public or holding a referendum, public support should not be taken for granted. The public may be sceptical about compromises reached during a National Dialogue, which can prolong the process and reduce the range of acceptable solutions. A key issue when ensuring accountability is to design a strategy that can connect the central process and the population at large. Different avenues exist to do so, as figure 3.6 illustrates.

#### Methods for public engagement:

- Media outreach
- Public campaigns
- Call for proposals
- Referendums and opinion polls
- Meetings in regional headquarters or with specific constituencies
- Accompanying regional and community dialogues

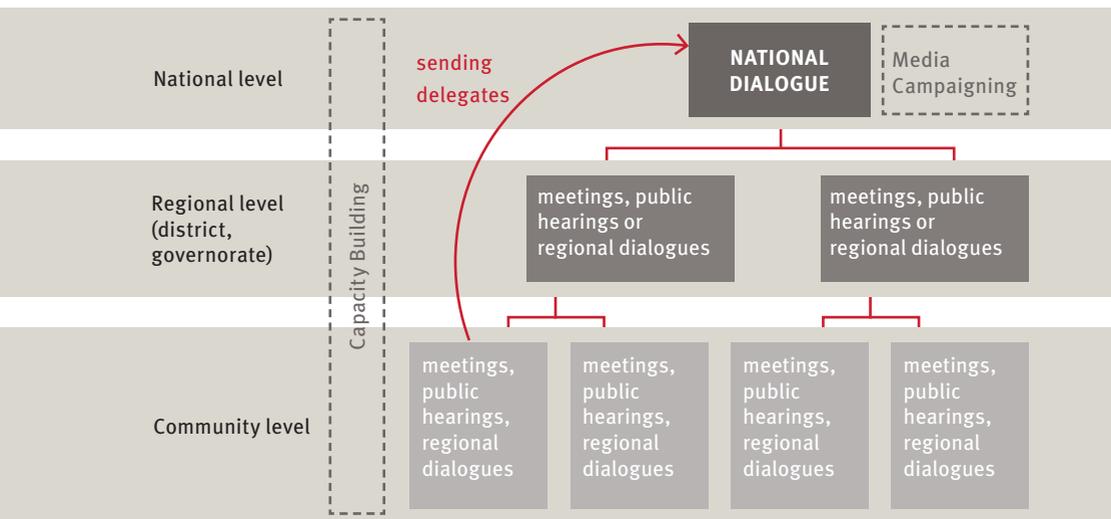
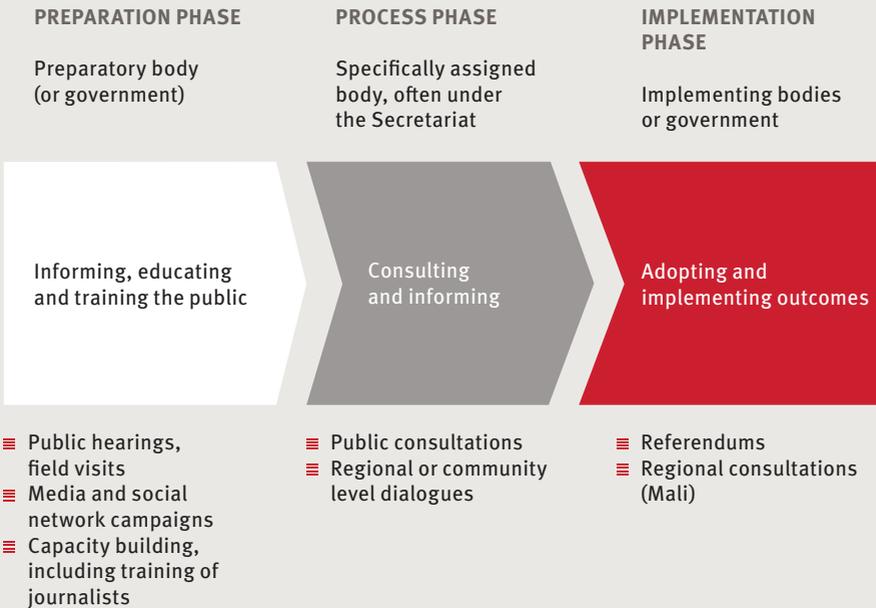


Figure 3.6: Measures to engage the public at different levels

Public consultations can take place throughout the whole process (South Africa) or before (Colombia), during (Jordan) and after (Mali) National Dialogues. They can also be part of the overall process design through a specifically designed process phase (Central African Republic) or specifically created civil society institution (Guatemala). Public consultations can be carried out by different institutions and their purpose may change depending on when in the process they are conducted.

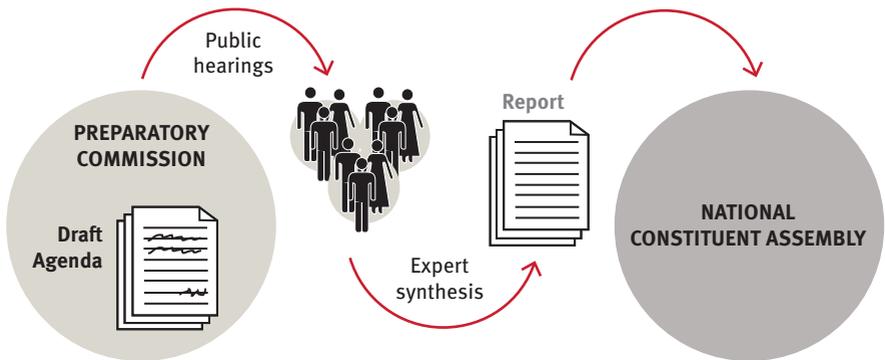


While public consultations should have an element of harnessing support and generating momentum for the process, expectation management should be considered carefully throughout all three phases.

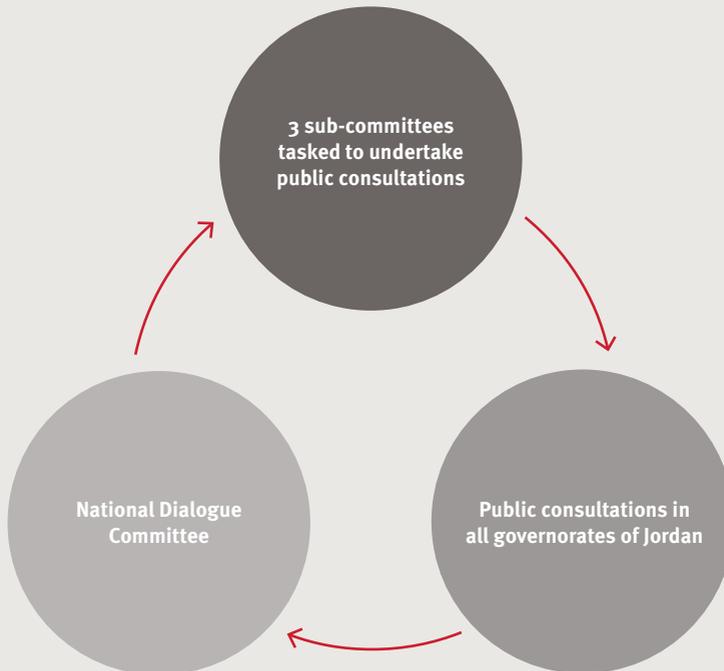
Figure 3.7: Steps for public engagement according to the phases of a National Dialogue

## Examples of public consultation mechanisms

For **Colombia's National Constituent Assembly (ANC)** a preparatory commission was set up in mid-September 1990. Aiming to collect comments and suggestions and to engage in a public discussion on the presented agenda, almost 1,500 public hearings were held in all regions of Colombia by December 1990. More than 150,000 requests were recorded, analysed, and summarized by 900 experts representing all ideological sectors within Colombian society. These reports were later used as a basis for discussion in the ANC. Although the participation rate was high and the whole political and social spectrum of Colombian society was represented, some analysts nevertheless highlight the relative domination of intellectual elites and the marginalization of ordinary people from the debate.



**Jordan's National Dialogue Committee (NDC)** consisted of two interrelated working levels: on the one hand, there was a General Assembly of the 52 members and on the other hand specific working groups. According to the mandate of the NDC, the general assembly established three working groups. These task forces were charged respectively with drafting an electoral law, a party law, and formulating general recommendations for political legislation. Every second week, the general assembly met to discuss the proposals presented by the three working groups. The last draft was decided upon by open roll call during the last meeting of the General Assembly. During the committee's second meeting, three sub-committees were given the task of communicating with various segments of society. These sub-committees visited the governorates all over the Kingdom in order to meet people, listen to their views, and present to them their ideas regarding the new electoral and political parties' law. The views and ideas collected in the governorates were then presented in the General Assembly of the NDC.

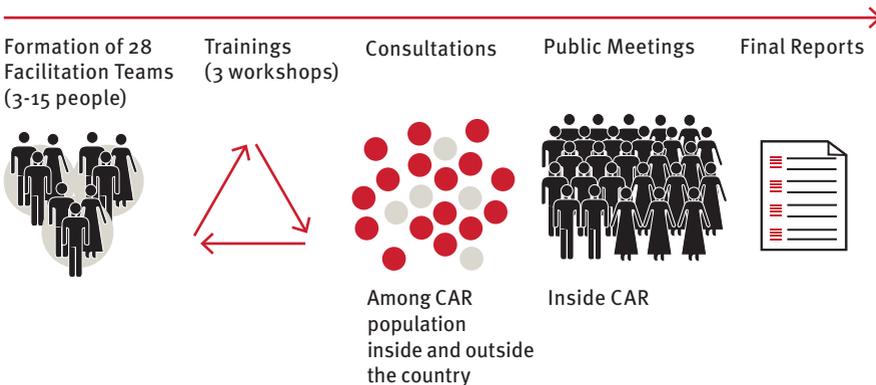
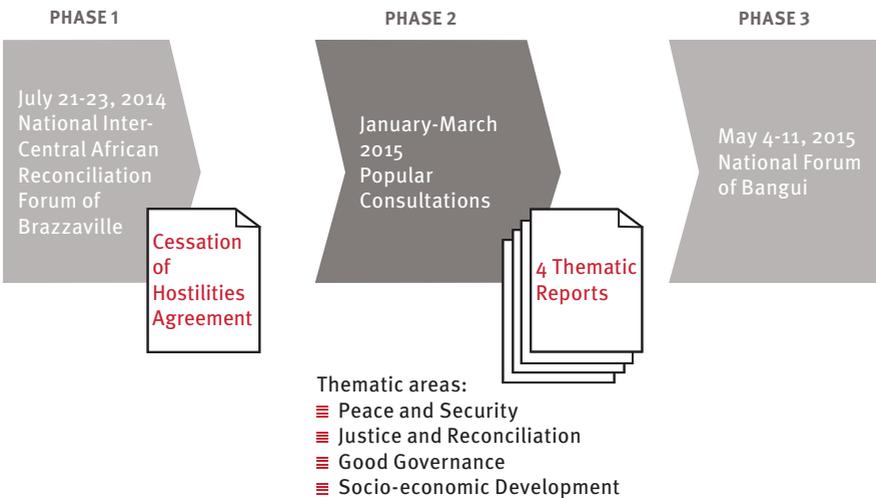


Directly following **Mali's National Conference**, the country adopted the new constitution by public referendum. In 1994, three years later, regional consultations followed to initiate a local-level dialogue on the changes that had been discussed at the conference. These did not seem to come with a mechanism feeding back the outcomes, but were rather designed to foster the central-level challenges at local level. The results were limited: though the National Conference did address key national concerns of a democratic opening, it fell short of considering the immediate challenges faced by ordinary people.

“At the time of the regional consultations (in Mopti), the organisers had brought in representatives of technical departments, village leaders, factions, district representatives and ‘cercle’ delegates in order to initiate a regional dialogue. During the consultation, the organisers gave readings from the legislative documents, the constitution and the electoral code, speaking of democracy, the multiparty system, etc. But the unfortunate matter about the meeting was that the topics discussed were of no interest to the peasants since these populations faced problems other than political ones. Thus, not being able to grasp the dialogue themes very well, those who had been invited (especially the peasants) could not participate fully in the discussions and as a result, their aspirations were not taken into account. The organisers were supposed to let the local population choose the topics for discussion and speak in their own vernacular. The government was there to support and advise them. That, however, did not happen. The abuses committed by civil servants for water and forestry and the police (when tax was being collected, for example) had been reported by the people, but the consultations were not able to provide a positive follow-up to their grievances. Therefore, from 1990 to the present day, nothing has changed in the village; on the contrary, other problems have been created, like conflicts of jurisdiction between municipalities and district administrators.”

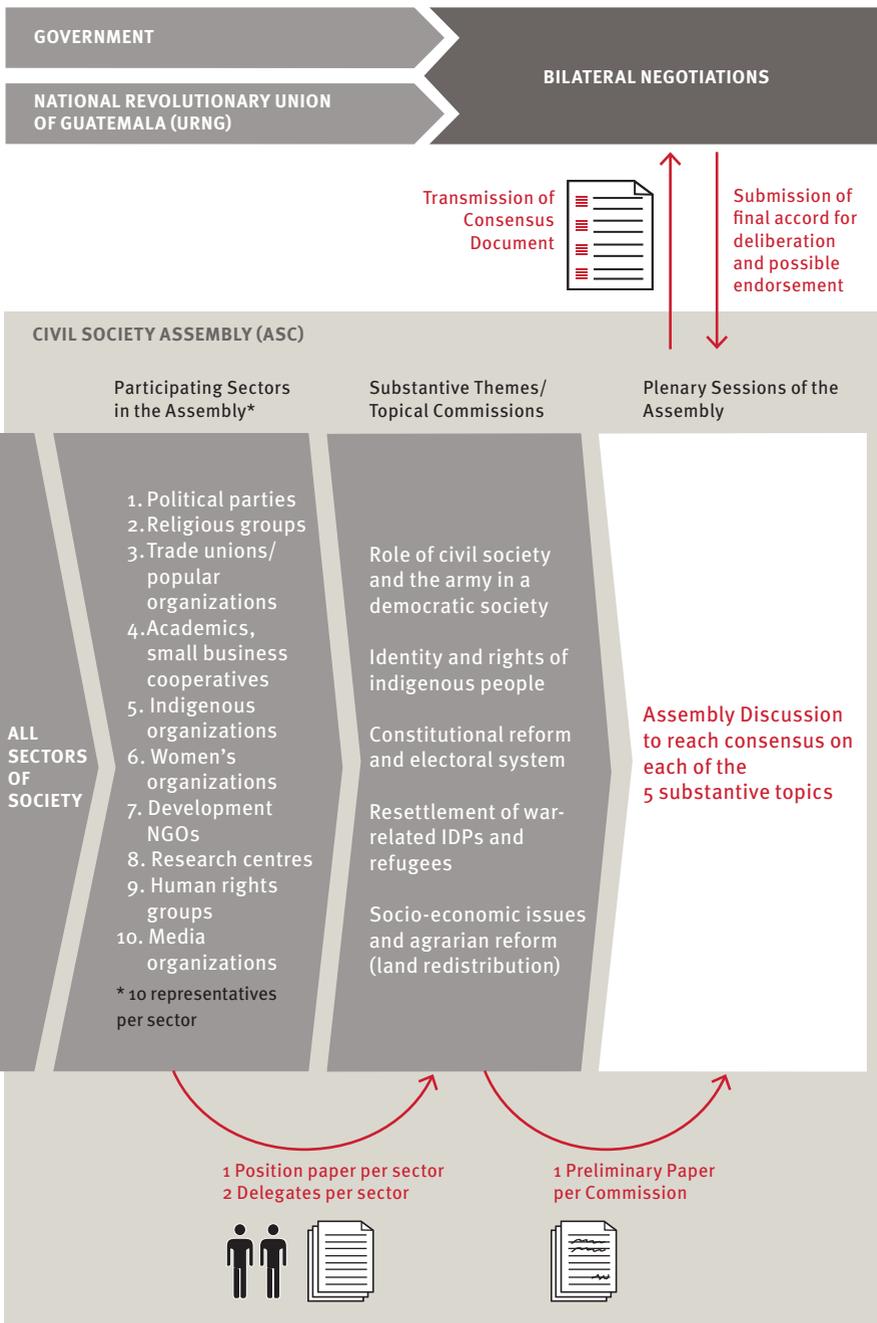
*Retired academic quoted in Sy, Dajouo and Traoré (2016, 24)*

The **Central African Republic’s (CAR) National Reconciliation Conference** was a three-step process, with large public consultations firmly integrated as the second step in the process design. Following the Brazzaville Ceasefire Conference, mediated by the President of the Republic of Congo Brazzaville, Denis Sassou-Nguesso, and the signing of the Cessation of Hostilities Agreement in July 2014, CAR undertook substantial popular consultations from January to March 2015. The final step was the National Forum of Bangui, which aimed to bring together Central Africans from all regions and backgrounds to find lasting solutions to years of recurrent political instability in the country and to reflect and define a new social contract between all layers of society of CAR via consensual, global and sustainable solutions.



When the security situation improved, popular consultations took place between January and March 2015. The aim of conducting them was to gain a clear picture on the views and grievances of the population pertaining to the central areas (see thematic areas). The findings were used to prepare the third step, the National Forum of Bangui. Consultations were conducted throughout the whole of CAR, in the neighbouring countries that host CAR refugees, such as Cameroon, Congo-Brazzaville, DRC and Chad, and in France. 28 Facilitation Teams consisting of 3 to 15 persons were formed, trained in three workshops, and deployed in Bangui, 16 prefectures, DRC, Congo Brazzaville, Chad, Cameroon and France. All lead facilitators were CAR (residential) ministers. Inside CAR, about 17,730 persons were consulted. Outside CAR, the number of persons consulted were about 2,114 (DRC (345); Congo Brazzaville (1,200); Chad (138); Cameroon (370); France (61)). The collected concerns and recommendations were compiled, analysed and presented to the public in two large meetings (first, in the Plenary Hall of the General Assembly and second, in a stadium with 20,000 seats).

## The Guatemalan Civil Society Assembly (ASC), May–Dec 1994



The **Guatemalan National Dialogue** (May–December 1994) gained substantial legitimacy through the Assembly of Civil Society (ASC), which was fundamental in generating a more inclusive process design. The ASC was mandated to consult on the substantive issues of the peace talks and put forward joint positions on six of seven core issues discussed in the formal talks. Moreover, the ASC reviewed and endorsed agreements signed by the main parties, but its mandate fell short of being able to veto any agreements they did not approve. “In the end, most of the ASC’s recommendations were incorporated into the final accords – thus making civil society a vital, if non-decision-making, presence in the negotiations” (Barnes 2017, 25).

The ASC mobilized all sectors and eventually comprised participants from most important societal groupings. It conducted consultations and shared information. Decisions were taken by consensus. These were slow due to the extensive consultations; however, outcomes were consensus documents that enjoyed great legitimacy. Simultaneously, the ASC was focused on including the voices of civil society and less on broad-based public engagement. There were almost no public awareness-raising efforts (unlike South Africa). This may have contributed to a sense that wider society could not follow the discussions at the centre, leading to the subsequent failure of the public referendum on key provisions in the agreements that needed to be incorporated into the constitution. Yet, there was recognition at highest levels of the substantial work that was undertaken in the ASC forum. Jean Arnault, UN Mediator, stated that: “the integration of the Assembly of Civil Society, presided over by Monsignor Quezada Toruno, to the peace process [...] gave legitimacy to the process” (quoted in Centro de Estudios de Guatemala 2016, 21).

In **South Africa**, public participation was an essential component within the overall process design, though implemented differently during the stages. Different moments required more transparent or more closed settings; however, overall there was recognition that the final constitution needed to serve and be the product of all citizens. The process was underpinned by three fundamental principles: inclusivity, accessibility, and transparency. This translated into open meetings, publicly available information and heavy coverage by journalists. Moreover, it demanded a proactive and comprehensive three-phased public consultation programme.

**Phase I: Elicit issues to be prepared into a draft document**

**Phase II: Seek comments on the draft text**

**Phase III: Finalization and adoption of the constitution in the Constituent Assembly**

The extensiveness of the public outreach programme was demonstrated by the different steps undertaken. These included:<sup>13</sup>

- ≡ Setting up a media department tasked with delivering print, radio and television programmes on the progress of the process. This included a nationwide advertising campaign around the slogan “You’ve made your mark, now have your say”;
- ≡ Commissioning agencies to conduct a survey on the success of the campaign after three months;
- ≡ Developing a Constitutional Education Programme (following the results of the survey that further attention was needed on public outreach);
- ≡ Continued advertisement in major newspapers;
- ≡ Requesting submissions in writing, via the internet or through statements in public meetings;
- ≡ Setting up of a Constitutional Assembly telephone “talk line”;
- ≡ Organizing workshops and consultations, including an outreach programme specifically designed to reach people in remote areas (with the support of civil society organizations).

Key challenges included reaching out to remote and illiterate parts of society and making sure information was available in easily accessible language. Moreover, compiling all the gathered information constituted a further challenge. Nevertheless, by and large, there was a great sense among the public that their participation was an integral component of the process.

## Public outreach, media and information policy

*“One lesson [many dialogue practitioners have] learned through experience is that the societal impact of even highly successful dialogue processes will be limited if few people are aware that it has taken place.”*

Pruitt and Thomas (2007, 95)

A well-informed public tends to confer legitimacy on a National Dialogue. There may be some moments when confidential deliberations between the main stakeholders are necessary, for example at the beginning of a process (exploratory phase) or to break a deadlock. However, generally speaking, the success of National Dialogues is predicated on strong public support, which makes public information and media engagement key elements of the process. Indeed, a public that does not know that a process is going on will neither be able to

provide input, feel included nor promote its results. Moreover, many conflicts are in some way rooted in a perception among those on the periphery that they are being left behind. Engaging the public meaningfully can strengthen relations between the centre and regions or states. Hence, participants to a National Dialogue should ensure that their constituencies are informed and can follow the process. In addition, for large processes, internal information management should be considered.

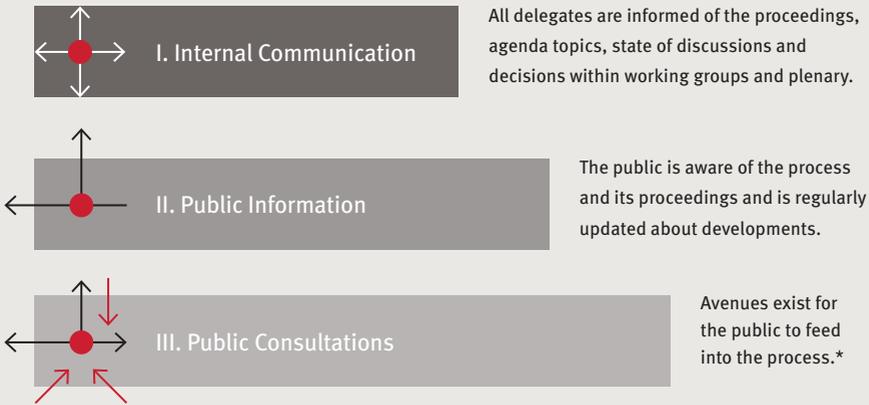
Communication strategies should reach as many people across different strata of society as possible. This includes thinking about local realities and asking:

- ≡ What are the media tools and channels that are most used by the population?
- ≡ How can the younger as well as older generations be reached?
- ≡ In cases of high illiteracy rates, how can the illiterate population be reached?
- ≡ What languages and methods are required to reach urban and rural populations?
- ≡ How can the population living abroad be reached, such as large diaspora communities?

### Transparency and public communication essentially ensure that:

- ≡ The public feels informed and understands trade-offs made in agreements
- ≡ Participants are held publicly accountable
- ≡ Developments within the process can contribute to larger narrative shifts in the public
- ≡ The process is not perceived as a central-level endeavour, but legitimacy is built from the bottom up

Information sharing and gathering input tends to take place with different aims at different levels.



**\* Importantly, when public consultations are being undertaken, methods and avenues must exist to process the information and meaningfully feed it back into the process.**

Figure 3.8: Information sharing and gathering in National Dialogues

The importance of information-sharing and public outreach is demonstrated by two very different examples, Poland and Iraq. A third example, Yemen, shows how difficult it is to reach out to ordinary citizens. Whereas in Poland the media and public consultation activities significantly supported the overall process and contributed to a diversification of the political landscape and eventually a change in power relations, its relative absence in Iraq limited substantial input from opposition groups and civil society. Yemen had a fairly developed media strategy and a designated body, but failed to capture the attention of the ordinary citizen.

Until **Poland's Roundtable**, the media was entirely under the control of the government. The Roundtable was accompanied by intense broadcasting and the daily conferences and televised statements gave the opposition movement Solidarity an opportunity to present their demands and viewpoints to the larger public for the first time. In addition, Solidarity negotiators held regular meetings with workers, students and union activists and opposition leaders presented positions and asked for feedback during open meetings at the movie theatre 2–3 times a week. Keeping the public informed – and through that also engaged – was crucial to maintaining the legitimacy of the process.

**Iraq's National Dialogue** went ahead without any sound public information campaign. This contributed further to – or at least did not alter – the alienating character of the event. The media paid little attention and there were no significant public debates on its mandate or agenda. Contributing to this was that the agenda was set in great haste only days prior to the event. The lack of information sharing also effectively hindered any meaningful participation by opposition groups and civil society. They were neither sufficiently informed about selection procedures and dates, nor could they follow and contribute throughout the process. This led to a narrow, politically one-sided process without any meaningful reach beyond the immediate political elite.

During **Yemen's National Dialogue Conference (NDC)**, the General Secretariat was responsible for the communication strategy and all interaction with the media. The strategy succeeded in ensuring media coverage for certain events and developments within the NDC. However, it failed to have a significant effect on the average citizen, who remained distant from the NDC. For example, there were no awareness-raising campaigns to get the citizens to understand the NDC process and its significance. However, the brochure of the NDC Secretariat (2014, 21, 23) states:

“The Secretariat was mandated to facilitate public participation in the dialogue. In order to do so, the Secretariat collected opinions from the public via email, phone, social networking platforms and other forms of communication. More than 2,500 contributions were directly collected. Over 1,500 of these contributions were referred to the [W]orking [G]roups after being reviewed and recorded. The total number of citizens [reached out to] in this manner is estimated to be around 36,000 people. [...] During the field visits of the Working Groups, 220 members of the NDC made around 100 field visits to 18 governorates. [...] They conducted around 175 direct meetings and interviews with officials in various government bodies, [NGOs] and professional organizations representing around 13,000 citizens. [...] A total of 18 dialogue tents in 14 governorates hosted [...] events organized by local civil society organizations under the supervision and support of the Secretariat and

partners such as IOM. The total number of CSOs [involved] in community outreach activities exceeded 520. [...]

In partnership with local and Arab radio and television channels, the Secretariat ensured live broadcast of the NDC plenary sessions. Total on air hours of conference coverage exceeded 1000. As the Working group sessions and the NDCs various committees meetings were closed sessions. [...] The Secretariat established a unit which prepared daily, audio-visual and text reports and distributed documents to any interested media outlets. [...]

- ≡ 1,380 hours of live of television and radio broadcasts
- ≡ 13 Yemeni channels
- ≡ 5 Arab channels
- ≡ 14 National and local radio stations [...]

The NDC opened its doors to 180 international and local observers who attended 350 meetings and reported on them independently.”

### Use of social media in the Arab Spring

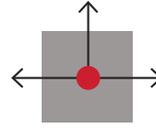
Social media was a useful tool in the hands of Arab Spring protesters, though not the primary one.

- ≡ It facilitated dialogue among a network of activists who were then able to instigate calls for reform;
- ≡ It helped protesters organize and coordinate their activities;
- ≡ It increased international attention to local events in MENA by facilitating reporting from places to which traditional media has limited access, and by providing a bottom-up, decentralized process for generating news stories.

Conversely, social media also allowed for greater government efforts to monitor organizers' online activities, coordinate the suppression of these endeavours, and thwart protesters' goals.

*Dewey et al. (2012)*

## Process tool: Designing communication strategies<sup>14</sup>



FOCUS	inside the National Dialogue (e.g. between committees)	from the National Dialogue (e.g. to the public)	
AIM	<b>INFORMATION</b>	<b>PARTICIPATION</b>	
	<ul style="list-style-type: none"> <li>Creating awareness</li> <li>≡ Distributing, archiving, documenting</li> </ul>	<ul style="list-style-type: none"> <li>Creating public support and legitimacy</li> <li>≡ Debating, relationship-building, reconciliation</li> </ul>	
ACTIVITIES	<ul style="list-style-type: none"> <li>≡ Daily media updates (print, TV, radio, web), press releases, newsletters</li> <li>≡ Facebook, mobile phone messages</li> <li>≡ Press conferences, media briefings</li> <li>≡ Media training</li> <li>≡ Interviews with National Dialogue participants</li> <li>≡ Poster campaigns</li> <li>≡ Theatre</li> </ul>	<ul style="list-style-type: none"> <li>≡ Roundtable discussions</li> <li>≡ Interactive media sessions (TV, radio call-in shows)</li> <li>≡ Facebook debates</li> <li>≡ Regional meetings</li> <li>≡ Blogs, twitter</li> <li>≡ Interviews with general public</li> <li>≡ "Shout outs" on YouTube channels</li> <li>≡ Regular opinion surveys</li> </ul>	
SAFETY NETS	<ul style="list-style-type: none"> <li>≡ Independent National Dialogue news network</li> <li>≡ Training of professional journalists</li> </ul>	<ul style="list-style-type: none"> <li>≡ Workshops at universities</li> <li>≡ Citizen journalism trainings</li> <li>≡ Public education programmes on democracy and human rights</li> </ul>	
MECHANISMS	<ul style="list-style-type: none"> <li>≡ Media secretariat/ Press office Spokesperson(s)</li> <li>≡ Outreach committees (national, regional, local)</li> <li>≡ Media monitoring and analysis (supporting National Dialogue debate)</li> </ul>	<ul style="list-style-type: none"> <li>≡ Communication Ombudsperson</li> <li>≡ Council of media eminentes</li> <li>≡ Goodwill ambassadors</li> <li>≡ Sounding board</li> </ul>	
PRINCIPLES	TRANSPARENT / INCLUSIVE / HONEST / COOPERATIVE / FAIR / BALANCED OPTION: Creation of a "National Dialogue Code of Conduct" for journalists		
PHASES	<ul style="list-style-type: none"> <li>≡ Pre-National Dialogue</li> <li>≡ National Dialogue</li> <li>≡ Post-National Dialogue</li> </ul>	<ul style="list-style-type: none"> <li>≡ Pre-referendum</li> <li>≡ Referendum</li> <li>≡ Post-referendum</li> </ul>	<ul style="list-style-type: none"> <li>≡ Pre-election</li> <li>≡ Election</li> <li>≡ Post-election</li> </ul>
STRATEGY	Inclusion of public in the planning process of the communication strategy! OPTION: Make a public call for ideas about how to engage the public in the National Dialogue		

### 3.8 Creating support structures, deadlock-breaking mechanisms and safety nets

National Dialogues are accompanied by a range of smaller processes and mechanisms aimed at supporting, protecting and advancing the central negotiation and dialogue process. To avoid the total collapse of the Dialogue in the first instance of dispute or disagreement, deadlock-breaking mechanisms should be built into its design.

#### Indicators for deadlocks

- ≡ No willingness to engage in real negotiations
- ≡ High level of distrust
- ≡ Exclusion of crucial parties
- ≡ Public, political and social leaders have no buy-in
- ≡ Increase of ceasefire violations
- ≡ Increase of public scepticism
- ≡ Resistance from regional/international powers

These structures are specifically designed to help overcome deadlocks and stalemates and to keep the central negotiation and dialogue process on track. *Section 3.6 on decision-making* provided examples of pragmatic mechanisms that are built into the decision-making design to facilitate consensus. This can be simply the mode of decision-making (sufficient consensus) or

clear procedural guidelines, but it can also be a more comprehensive structure tasked to facilitate consensus and provide support.

It is also important to draw on national traditional practices and resources that have been used to reach consensus and break deadlocks.

Being aware of some of the reasons why a process can break down may also help to prevent this from actually taking place. **If there are clear signals that a process will not take off, it should be reconsidered from the start.** Political processes such as National Dialogues are not linear processes: deadlocks and stalemates are quite common in any processes where the stakes are high. For an emerging or ongoing process, the following aspects may cause it to break down – some of which can be avoided or reduced through effective process design, others not:

- ≡ Lack of inclusion or the exclusion of difficult actors
- ≡ Not enough buy-in
- ≡ Insufficient preparation
- ≡ Time pressure and desire to achieve quick results
- ≡ Impact of external factors

Generally, the distinction is made between deadlock-breaking mechanisms and safety nets as per the definitions below, although in practice safety nets can also have a deadlock-breaking function.

### Deadlock-breaking mechanisms

- ≡ They are part of the National Dialogue process design. As such, they are time-bound and have a narrow mandate strictly limited to the process under question.
- ≡ Their main aim is to function as a conflict management mechanism during the process. They seek to overcome impasses in National Dialogues or multi-party negotiations with the aim of creating or re-establishing consensus on procedural or substantive matters.
- ≡ They can be internal or external, formal or informal, planned or ad hoc.

### Safety nets

- ≡ They are broader in scope, with deadlock-breaking being just one function among many, and perhaps not even the main one. Different support structures can be used for that purpose (→ *Infrastructures for Peace*, p. 128).
- ≡ They can be complementary formal and informal mechanisms and structures that strengthen and protect National Dialogue, negotiation or mediation processes if they derail at Track 1. They contribute to new ideas, help keep the momentum, broaden ownership and legitimacy, diffuse tensions, etc.
- ≡ In addition, a safety net might protect a National Dialogue from spill-over effects resulting from conflicts that are not a central part of the National Dialogue mandate or agenda.

Whereas safety nets support the overall process (→ *Lebanon's Common Space Initiative, Nepal's Transition to Peace Initiative and South Africa's National Peace Accord Structures*, p. 131-134), deadlock-breaking mechanisms are specifically designed to absorb and respond to situations where negotiations or dialogue come to a halt. Deadlock-breaking mechanisms are built into the larger process, whereas safety nets can continue to exist even if the formal process breaks down. In fact, safety nets can fulfil an important function whenever a process is in danger of collapse, helping to prevent it from derailing completely or making it possible to resume at a later stage. The deadlock mechanisms can take a range of formats and functions and they can be internal or external to the process.

They can be ad hoc meetings (Poland), specifically designed support committees (Afghanistan) or fully fledged secretariats or even ministries that support the overall process, including through a deadlock-breaking function (Nepal). The latter have played important roles as Infrastructures for Peace. International incentives can also support (or hinder) overcoming a political deadlock (→ *chapter 5*).

### **Infrastructures for Peace (I4P) or Peace Infrastructures**

Essentially a strategic approach to collaboration, I4P involves establishing dynamic networks of interdependent local, regional and global structures, and promoting the associated mechanisms, resources, values, and skills. The aim here is to facilitate multi-stakeholder dialogue and consultation that will (further) develop contextually appropriate institutional mechanisms, structures and capacities for addressing locally driven conflicts. Examples of I4P can be found in Nepal, Ghana, Kenya and South Africa in the form of national, district and local peace councils or committees.

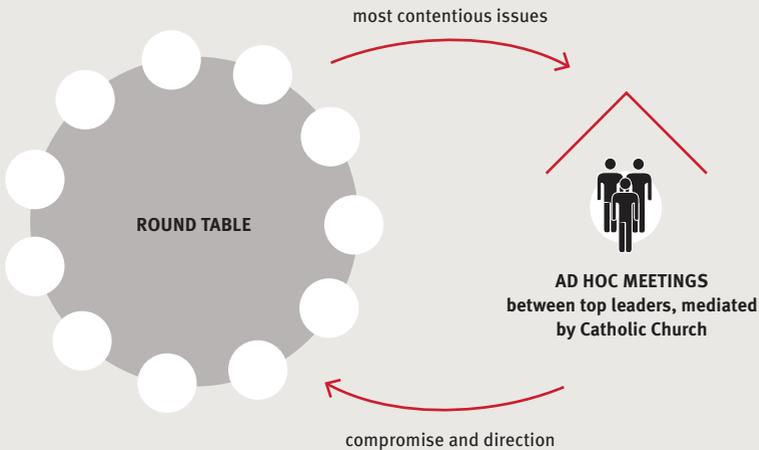
Giessmann (2016), Ryan (2012), Unger et al. (2013), van Tongeren (2013a; 2013b)

The graphic and cases below provide further examples of mechanisms and structures supporting the conduct of National Dialogues.

Deadlock-breaking mechanisms	
I. Internal deadlock-breaking mechanisms	<p><b>Dialogue Process Design:</b></p> <ul style="list-style-type: none"> <li>≡ Clear process guidelines and principles</li> <li>≡ Integrated ‘generators’ for substantive options (South Africa)</li> <li>≡ Decision-making and voting procedures</li> <li>≡ Dialogue facilitation (techniques)</li> </ul> <p><b>Mechanisms:</b></p> <ul style="list-style-type: none"> <li>≡ Consensus Committee (Yemen)</li> <li>≡ Council of Elders (Panel of the Wise, AU)</li> <li>≡ Arbitration (Yemen: President)</li> <li>≡ Deadlock-breaking team(s)</li> </ul>
II. External deadlock-breaking mechanisms	<p><b>Third-Party:</b></p> <ul style="list-style-type: none"> <li>≡ Mediation, arbitration, expert hearings</li> <li>≡ G-10 committee of ambassadors to safeguard the process (Yemen)</li> <li>≡ Security Council Resolutions (Yemen)</li> </ul>
III. Informal deadlock-breaking mechanisms	<p><b>Elite Consensus:</b></p> <ul style="list-style-type: none"> <li>≡ ‘Process alliance’ (South Africa)</li> <li>≡ Villa Magdalena (Poland)</li> <li>≡ National Dialogue Steering Committee (Lebanon)</li> </ul>
Infrastructure for National Dialogues	
I. Safety nets	<ul style="list-style-type: none"> <li>≡ Civil society and expert dialogues, local/regional dialogues, expert seminars, National Peace Secretariat, Local and Regional Peace Committees to settle disputes (South Africa)</li> </ul>
II. Track 1.5, Track 2 or Track 3 dialogue efforts for problem-solving	<ul style="list-style-type: none"> <li>≡ Problem-solving workshops to establish trust</li> <li>≡ Consultation meetings, capacity-building workshops on dialogue/negotiation</li> <li>≡ Think tanks to generate new options</li> <li>≡ One-Text Procedure</li> </ul>

## Examples of deadlock-breaking mechanisms

During **Poland's roundtables**, the most contentious issues were discussed among the top leaders at ad hoc meetings in the villa in Magdalenka. These meetings were an almost purely elite undertaking (two church representatives were present at the meetings), but they facilitated movement on crucial issues.



- ≡ The top leaders on both sides did not participate in the normal negotiations, but whenever there were major deadlocks, they met in a villa in Magdalenka to negotiate and eventually make general decisions (11 such meetings took place). The leaders' meetings promoted compromise and defined the direction of further talks in the main tables.
- ≡ The Catholic Church had continuously called on the government to begin negotiations with the opposition and eventually helped to bring both sides closer together. It helped define the preliminary conditions of the talks as well as their final results. Its two representatives in the Magdalenka meetings mediated during critical moments and served as witnesses. They were accepted by both sides even though they were not totally impartial; they had their own interests and were much closer to the demands of Solidarity.
- ≡ This ad hoc institution became firmly established thanks to its functionality. On the one hand, it lent substantive political weight to crucial decisions and supported the success of the overall process. On the other hand, crucial decisions were taken outside the participatory framework, thus severely limiting the influence from other actors.

In **Yemen** the **Consensus Committee** became an important deadlock-breaking mechanism (→ *Yemen's decision-making mechanism, p. 108*). The National Dialogue Conference (NDC) by-law stipulated that the NDC Consensus Committee be composed of the NDC Presidency, the heads of the working groups and 12 members from the Technical Committee, appointed by the President of the committee. It was further decided to include members of civil society organizations, youth and women's segments in the committee. Moreover, representation was to be based on 50 per cent Southern delegates and 50 per cent Northern delegates, with 30 per cent being women.

**The Consensus Committee was tasked with:**

- (1) Reaching a consensus among members of the working groups on controversial issues and suggesting proposals as to solutions
- (2) Consulting among the committee's members and components on controversial issues in order to reach a consensus
- (3) Coordinating between outcomes of the NDC working groups
- (4) Making the NDC by-law clear
- (5) Following up on the implementation of the NDC outcomes during and after the NDC conclusion.

In the case of **Lebanon**, support structures of the National Dialogue have been rather light. President Sleiman set up a National Dialogue Steering Committee that was composed of selected advisers from the Office of the president and external advisers close to the president, including academic scholars in conflict resolution and other technical experts. The political adviser to the president coordinated the Steering Committee and the meetings were hosted by the president. The Committee usually met before the dialogue sessions to discuss the agenda, provide background research on issues and advise the president as the chair of the dialogue on procedural matters.

The **Common Space Initiative (CSI)** in Lebanon emerged out of institutional capacity-building and technical assistance to the Presidency for the National Dialogue in the start-up phase. Supported by the United Nations Development Programme (UNDP) and the Berghof Foundation and funded initially by the Federal Foreign Office, Germany (2008–2014). The assistance subsequently transformed into the Common Space Initiative (2010–present) and became an important safety net to the National Dialogue. The aim was to provide support to the needs of the formal National Dialogue, but also to facilitate structured informal dialogues among policy-makers, intellectuals, experts, civil society actors, stakeholders, and individuals in order to create an environment conducive to progress. Members of the National Dialogue Steering Committee and key political advisers from across all party lines became drivers of the Common Space Initiative, which aimed at breaking deadlocks in moments when the National Dialogue faced a stalemate. The innovative method of the One-Text Procedure (→ *p. 105*) – working on one common document – was

applied to build consensus on thematic issues. The overall purpose of the Common Space Initiative ([www.commonspaceinitiative.org](http://www.commonspaceinitiative.org)) remains to enhance public policy debates, build expertise and common knowledge resources on key issues, and promote collaboration among the national parties.

### Examples of safety nets

**Nepal's Transition to Peace Initiative (NTTP)** was a central support mechanism in Nepal's peace and political process, set up in 2005. Two rounds of negotiations had failed to deliver substantial results (2001 and 2003) and following a royal coup no new initiative was undertaken. In this context, the NTTP was set up at the initiative of the two facilitators, Dhangana and Tuladhar, who had been engaged in negotiations from the start (→ *Nepal's insider mediators*, p. 76-77). The mechanism was supported by the international community in various ways. The UN, US, Swiss and British assisted with financial, technical and moral support.

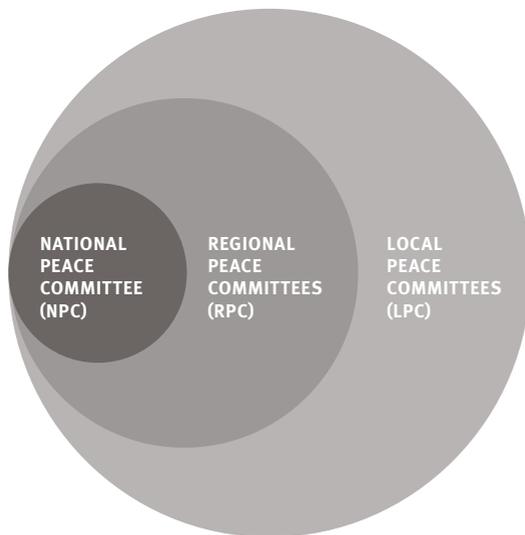
The NTTP was conceptualized as “a confidential space for the political parties to explore [the] possibility of peace talks with the underground rebels but also to develop joint strategies to deal with the monarchy in the situation of the conflict” (Upreti and Sapkota 2016, 28). The NTTP became an informal dialogue space and crucial support mechanism. It facilitated the participation of all major national and regionally based political actors. The mechanism was aimed at second-tier political leaders, which often included members of the dialogue teams engaged in the formal negotiations. At times, the NTTP even engaged the key actors, such as the prime minister, party chiefs and senior leaders, to help overcome serious deadlocks in the official process.

What made the NTTP such a success was the urgent need for a non-formal space to engage in dialogue coupled with the efforts and standing of the two facilitators, as well as the support around them. Both sides of the conflict were ready to talk, something the monarchy was not ready to consider. However, they needed a safe space to engage and a mechanism to effectively mainstream the different efforts in an atmosphere of great mistrust. The mechanism remained informal and included all major political parties. Focusing on second-tier leaders meant more space for generating options, which then could penetrate the party's constituency as well as the top leaders. Importantly, the NTTP remained flexible at all times. This allowed it to adapt to the changing needs and circumstances.

The facilitators could invite new members if the changing context demanded this and the existing members approved. It took some months for the process to evolve into a proper mechanism, eventually becoming “a party-owned, government-participated independent and sustained mechanism for dialogue” (ibid., 28).

**South Africa's peace support structures** were created at the national, regional and local levels. At the national level, the National Peace Committee and National Peace Secretariat were founded; at the regional level there were Regional Peace Committees (11); and at the local level there were Local Peace Committees (approx. 260). The peace committees fulfilled an important function; they helped society to own the peace process. The ownership was a "joint, inclusive ownership" (Odendaal 2014, 74) as the formation of the peace committee was voluntary and hence a bottom-up process to establish strong societal backing for the peace process. They were critical in developing a stronger culture of political tolerance, in reducing the levels of violence in many areas from what they would have been without it and above all they built a popular consensus for peace and involved a large number of citizens and organizations in promoting that peace, increasing mutual understanding (Camay and Gordon 2010). It also educated large segments of the minority white population about the situation of the black community. This notwithstanding, there were also a number of shortcomings as the peace committees had no enforcement powers in the event of violation of the Code of Conduct and relied very much on dialogue, mediation (helping to broker local peace agreements) monitoring and facilitating preventive measures, training volunteers (approx. 15,000) on conflict resolution techniques. This made them "vulnerable to forms of violence that were externally orchestrated or deliberately planned for specific political or economic gain" (Odendaal 2014, 73). "[A]lmost all the [Regional Peace Committee] chairs were white men – despite the transparent election and appointment procedures" (Spies 2002, 25). The National Peace Accord Structures were also criticized for having dealt mostly with the symptoms of violence rather than its underlying causes (ibid.). However, the peace support structures created in South Africa were advanced and elaborate mechanisms to ensure the active participation of a cross-section of society in implementing the agreements reached, and they functioned as an effective safety net.

## South Africa National Peace Accord (NPA) structures 1991–94



<p><b>NPC</b></p> <p><b>Agenda:</b> oversee the implementation of the NPA and monitor compliance with codes of conduct for political groups</p> <p><b>Composition:</b> 60 members from all signatory parties and members of the preparatory committee.</p> <p><b>Co-chairs:</b> 1 business and 1 church leader.</p> <p><b>Mandate:</b> NPA</p> <p><b>Timeframe:</b> 1991-1994</p> <p><b>Voting mechanism:</b> consensus</p>	<p><b>RPCs</b> 11 in all regions (except 4 non-NPA signatories)</p> <p><b>Agenda:</b></p> <ul style="list-style-type: none"> <li>– Preventing violence through mediation, monitoring and preventive action</li> <li>– Report to the national structures on causes of violence, coordinated activities in the region and networks of local committees</li> </ul> <p><b>Socio-Economic Reconstruction and Development committees (SERDs):</b> broker development projects aimed at preventing or reducing violence</p> <p><b>Police Reporting Officers:</b> investigation of police misconduct and supervision of police department's Complaints Investigation Unit</p>	<p><b>LPCs</b> More than 260 across the country</p> <p><b>Agenda:</b></p> <ul style="list-style-type: none"> <li>– Promote trust and reconciliation, mediate conflicts</li> <li>– Facilitate agreements</li> <li>– Implement national and regional initiatives</li> <li>– Link with the local police and judiciary</li> <li>– Coordination of the peace monitors</li> <li>– Report to their RPC</li> <li>– Cooperation with SERDs</li> <li>– Justice of the Peace: inquiries into violence</li> </ul> <p><b>Special Criminal Courts:</b> process violence-related cases more rapidly and effectively than the existing courts, operating with special rules guiding evidence and procedures</p> <p><b>Composition:</b> Each LPC should reflect composition of the local community and involve representatives of stakeholder groups</p>
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- 1 Parts of this box are based on Mason (2009) and Mir, Morina, and Vimalarajah (2016).
  - 2 Based on Eloff (1997) and Iff et al. (2010).
  - 3 Table based on Papagianni (2014).
  - 4 “The principle of inclusiveness dictates an effort to create a participant group that is a microcosm of the social system where the challenge to be addressed is located” (Pruitt and Thomas 2007, 88).
  - 5 Papagianni (2014).
  - 6 See [www.inclusivepeace.org/content/broadening-participation](http://www.inclusivepeace.org/content/broadening-participation).
  - 7 See Dudouet and Lundström (2016).
  - 8 See ICG (2003); Brandt (2005).
  - 9 The actual powers of the CLJ were limited to ratification of the constitution. Thus, the overall constitution-making process was top-down.
  - 10 See Kinninmont and Sirri (2014, 7, 10).
  - 11 See Papagianni (2006).
  - 12 Thanks to Karin Göldner-Ebenthal for her contributions to this section.
  - 13 Based on Barnes and De Klerk (2002).
  - 14 Initially developed by the National Dialogue Support Programme for the Technical Committee for the preparation of the Yemeni National Dialogue Conference in 2013.

## Chapter 4

# The Implementation Phase: Implementing and nurturing outcomes

## Contents

139	4.1	What is specific about the implementation of National Dialogue outcomes?
142	4.2	Understanding National Dialogue outcomes
148	4.3	Mechanisms for implementing outcomes
154	4.4	Key considerations for the implementation phase

*“In some recent national dialogues [...] the conclusion of the national process led to the creation of ongoing dialogues on specific issues or to participatory mechanisms to monitor the implementation of the dialogue’s outcomes. These follow-on processes can further participatory and inclusive governance, and provide an example of the ways that a national dialogue process may make indirect contributions to the foundations of a sustainable peace.”*

Stigant and Murray (2015, 5)

A range of outcomes is likely to result from the process phase of a National Dialogue. The implementation of these outcomes is as important as the process for reaching them. A process does not end with the signing of an agreement; it simply enters into a new phase, with its own complexities, challenges and opportunities. Political bargaining continues and it might only be at this point that the quality of and commitment to what has been agreed becomes visible. All the more important is how an agreement has been reached. The immediate outcomes of a National Dialogue process tend to be similar to agreements attained through ceasefire negotiations or mediation processes. However, the process for arriving at the agreement is usually different.

A National Dialogue should not be viewed as a singular event, but as firmly embedded in a long-term transition that goes well beyond the closing ceremony.

Although mediation practice has largely focused on the process of getting to an agreement, rather than what comes after, the challenges connected to the implementation of agreements have recently received increased attention in the peacebuilding literature.<sup>1</sup> This chapter first and foremost seeks to

engage with the implementation of National Dialogue outcomes. What is specific to the implementation of outcomes achieved through a National Dialogue and what factors impact upon thorough implementation? Moreover, what can be learnt from the implementation of National Dialogue outcomes for possible future process designs? Many of the processes under study are currently still unfolding and the actual impact can only be judged over time. However, this chapter is offered as a starting point and a contribution to learning on this topic.

This chapter first discusses the challenges and opportunities associated specifically with the implementation phase of National Dialogues, providing guidance on addressing central issues. Second, the distinction between tangible and intangible outcomes is illustrated, with a view towards presenting an overview of the range of outcomes generated through National Dialogues. Third, the chapter considers examples of implementation infrastructure and mechanisms and other factors that may facilitate the implementation of outcomes. Finally, key considerations for the implementation phase are discussed.

#### 4.1 What is specific about the implementation of National Dialogue outcomes?

The process for arriving at a National Dialogue's outcomes has an impact upon how their implementation is conducted and perceived. National Dialogues are self-organized and self-facilitated processes based on a set of principles that ideally continue to take effect beyond the closing ceremony. Moreover, participating in a consensus-oriented process can be a powerful experience. The inclusion of a larger set of people than is usual for ceasefire or mediation processes will also need to be considered during this phase: people will want to see their contributions continue to pay off during the implementation phase. This means the implementation phase comes with its own distinct set of challenges and opportunities.

##### CHALLENGES

- ≡ Broadened participation may lead to a heightened sense of ownership resulting in high expectations on (1) the degree of participation in the actual implementation and (2) the tangible impact this will have on people's lives.
- ≡ Implementation of outcomes often gets transferred to (and stuck in) small institutions and mechanisms, detached from the broad process that came before. These bodies can easily get overwhelmed with the responsibility. Decision-making falls back to the usual decision-makers, thus losing the consensual and inclusive nature of the dialogue process.<sup>2</sup>
- ≡ The implementation phase may require more resources and energy than the preceding phases. It may become a very slow process and also prove to be an unexpectedly costly affair.<sup>3</sup>

##### OPPORTUNITIES

- ≡ The true benefits of an inclusive and participatory process can be instilled in the implementation phase. If all the relevant parties — including those already contending for power as well as other emerging social forces — fully participate in developing agreements, they are less likely to try to undermine them in the implementation phase. While this holds for peace processes generally, National Dialogues are one format to address this issue from their inception if designed properly.
- ≡ The knowledge and experience of the process can be nurtured to provide impetus for the implementation. The experience of consensus-based decision-making can support the emergence of a culture of dialogue and political compromise.
- ≡ Participation can be continued and strengthened through implementation infrastructure, guarantees and monitoring mechanisms.

≡ Donors tend to focus on supporting National Dialogue processes and fail to realize that a weak government, despite successful outcomes, may not be able to properly implement them. Donor support would be more meaningful with a two-pronged approach of supporting the dialogue and the governance systems so that they can ensure service provision (→ chapter 5).

≡ If systemically nurtured, quick and small National Dialogues can become well-established recurrent problem-solving mechanisms (Lebanon, Tunisia), which can strengthen implementation and ensure continuity of the phase.

Experience has shown that the following steps can support thorough implementation of National Dialogue outcomes if woven carefully into the process design:

- ≡ To counter the tendency of attention quickly shifting away after agreement has been reached, the implementation of outcomes should be written into the process design from the start. The mandate should entail clear steps for short and long-term implementation measures (→ 2.3 *setting the mandate*).
- ≡ To prevent a backlash, sufficient consultation and feedback loops should be built into the process design to ensure constituencies can follow and feed into the process as it unfolds. This also reduces the dependency on individual champions of National Dialogue and fosters continuing support. Agreeing on guarantees and monitoring mechanisms during the National Dialogue is essential for adequate implementation.
- ≡ Incentives for collaboration should be built into the whole process from the start, including into structures for implementation. Following violent conflict, parties often want guarantees that they can block decisions they do not favour. This often facilitates the emergence of blocs, as was the case in Lebanon, leading to political deadlocks. Thinking creatively about mechanisms and structures where parties are dependent upon each other to further their goals can support the emergence of partnerships and collaborative ways of working.
- ≡ A clear vision should be established during the finalization of outcomes setting out what implementation will entail in concrete terms. There should also be sufficient flexibility to re-check and verify outcomes to respond to changes in the situation. Keeping channels for communication open is also essential to relay potential modifications and to continue building trust and confidence.

This can also side-line those withdrawing from commitments completely and increase the pressure they feel to honour them. Guarantees and monitoring mechanisms have to be agreed upon during the National Dialogue process.

- Media and mass public education/consultation programmes can be helpful in creating public awareness and support for the implementation phase (→ 3.7 *engaging the public*).
- Managing expectations is important, especially with regard to the anticipated timeframe for implementing outcomes. Framing the achievement of National Dialogues outcomes as long-term processes can avoid unrealistic expectations and can support overcoming crises without the process being perceived as a complete failure. It is also important to bear in mind that protracted conflicts require protracted peace-making tools, acknowledging the non-linear nature of conflict transformation cycles. For instance, South Africa's transition process was interrupted thrice before it yielded successful results. Finally, moving quickly immediately after the National Dialogue process can foster initial support for the implementation phase.

### **Legitimacy of outcomes and their implementation**

The legitimacy of agreements is intertwined with that of the process.<sup>4</sup> Agreements reached via due processes, procedures and considerations are more likely to be perceived as legitimate outcomes. Including key people (who are perceived as representative and are well-respected) in the process who can create broad support for an outcome is essential for generating legitimacy within and across constituencies. Whether agreements are perceived as legitimate is likely to impact substantially on the likelihood of their achieving broad support for successful implementation. Even if agreements respond to key grievances, they may still be rejected due to mistrust of 'the other', or mistrust in the process or the way it has been crafted or presented. Agreements for which tangible peace dividends are foreseen are most likely to be perceived as viable and legitimate. In Myanmar, however, a Norwegian initiative to provide 'peace dividends' for ceasefire areas, intended to support implementation, was criticized by some civil society actors as an economic incentive to deliver ceasefires (MFA Finland 2014, 109). A realistic solution responding to the parties' interests would most likely be the preferred option to any current status quo. "Agreements of this kind are more likely to be developed through inclusive, problem-solving processes that encourage the parties to frame contested issues as shared problems that can be creatively addressed to obtain a 'good enough' benefit for everyone" (Barnes 2017, 45).

## 4.2 Understanding National Dialogue outcomes

The nature of National Dialogues makes it necessary to distinguish between **tangible** and **intangible** outcomes – and illustrates the importance of the latter for the implementation of the former. **Tangible outcomes** are concrete outcomes shaped or informed by the agenda and mandate. They are made visible through agreements and/or a Final Report or Communiqué, usually consisting of roadmaps and recommendations to be implemented. **Intangible outcomes** are more subtle and harder to measure. They may not have been anticipated or planned per se, but emerge organically from the experience of the National Dialogue process itself. They can be a change in relationships and an emerging culture of dialogical exchange. These outcomes, if nurtured beyond the process itself, can become important elements in the larger change process.<sup>5</sup> Depending on how the implementing and nurturing happens, both tangible and intangible outcomes may have short- and long-term implications for a National Dialogue process in terms of facilitating political transition, mitigating crises, resolving conflicts and creating the foundation for fundamental social change. Moreover, intangible outcomes may catalyse the implementation of tangible outcomes.

### Intangible outcomes

Intangible outcomes may be subtle changes in attitudes, relationships and ways of engagement. Issues may have been discussed on a national scale for the first time, potentially informing and educating a broad range of people. The experience of consensus-based decision-making, too, can be powerful. Some intangible outcomes become apparent during the process, others take time to grow and develop as the larger change process unfolds.

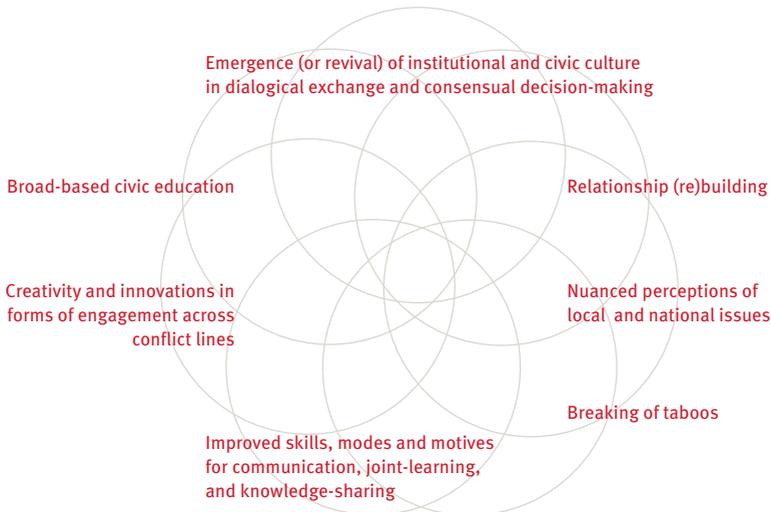


Figure 4.1: Intangible outcomes of National Dialogues

How important intangible outcomes can be for the implementation of National Dialogues and change processes more broadly, is demonstrated by the country examples below.

**Guatemala.**<sup>6</sup> The Grand National Dialogue (GND), having to prematurely disband due to security issues, did not produce any tangible outcomes. It was nevertheless an important step towards the end of the armed conflict and its intangible outcomes were crucial in shaping the peace process thereafter; its longer-term effects are still felt today. Many of the issues discussed during the GND are still unresolved, but there has been no relapse into armed conflict – Guatemalan society having been emboldened to address conflict without resorting to coercion or violence.

A major outcome was the recognition of the need for civic participation in discussing political and military issues. For the first time in Guatemalan history, the causes of the armed conflict were starting to be discussed openly in the public space. Throughout the GND, the notion was promoted that peace is not only the absence of war but a chance to create a new nation. There was better analysis and understanding of the issues and challenges, reciprocal needs and positions, and shared principles and goals. A democratic culture of dialogue was stimulated, and the political elite (political parties, civil society) became increasingly skilled and channels for inter-sectoral communication (within society, between society and state) were created. Civil society was strengthened and legitimized as a partner in policy formulation, which was a noteworthy transformation of Guatemala's authoritarian political traditions. This was crucial several years later in defining the official negotiation agenda between the URNG and the government/army, which happened in an open space where public involvement was encouraged and sought. A skilled and organized Guatemalan society had transformed from being a spectator to being an active force in the peace process.

**Mali.** The National Dialogue was not geared towards addressing questions around the status of northern Mali, where there was armed insurgency by separatist groups. It nevertheless helped to create a space for some northerners to meet each other and to begin the process of developing what would become the inter-community meetings process in the northern Mali, which eventually ended the war at that time.<sup>7</sup>

**Yemen.**<sup>8</sup> The crucial intangible outcome of the NDC process was its eventual embodiment of a large-scale public and political education exercise – a broad range of actors from all walks of life having taken part in numerous discussions and working group sessions on previously taboo topics. Moreover, the empowerment of women and young people in an otherwise patriarchal and gerontocratic society was also an important intangible outcome of the process.

## Tangible outcomes

Tangible outcomes of National Dialogues, depending on the initial agenda and mandate, can be binding or non-binding agreements<sup>9</sup> or a Final Report or Communiqué, which may include proposals or recommendations/views. They usually outline the building blocks of political, social and economic change through institutional and constitutional reform. National Dialogues tend to be part of larger transition processes. Thus, key tangible outcomes often include a roadmap for the transition, which may include establishment of a transitional or unity government, and setting out of further steps on how these should be implemented.

The broader tangible outcomes of National Dialogues include the following:

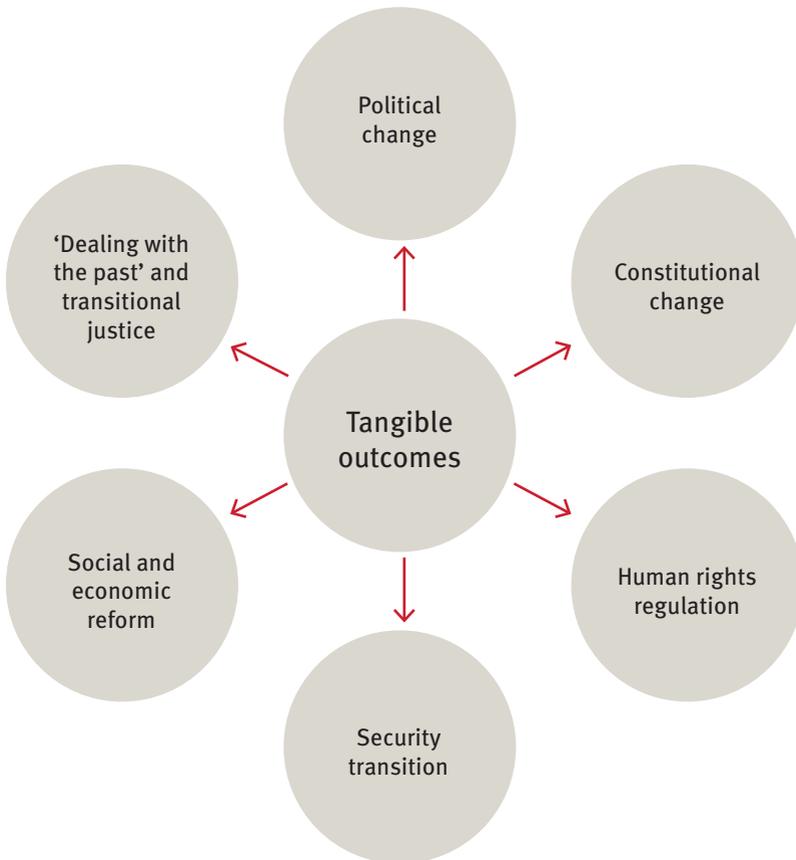


Figure 4.2: Tangible outcomes of National Dialogues

- ≡ **Political change.** Taking place during times of political upheaval or crises in state legitimacy, National Dialogues often produce new or revamped political structures. New political settlements and power-sharing agreements may emerge. Often, institutional changes have been agreed upon, such as setting up a national unity government, restructuring parliament and agreeing on certain checks and balances. Reforms in policing, judiciary and rule of law, as well as improvements in institutional practices can also be a part of that.
- ≡ **Constitutional change.** Given that National Dialogues address issues of overarching national importance, a constitutional component in their outcomes can be expected. These can range from agreeing on a constitutional review process (Kenya), making constitutional amendments (Jordan), to adopting a new constitution (Afghanistan, Bolivia, Colombia, Mali, and anticipated for Yemen). Constitutional changes can also include crucial measures towards the decentralization of the state, which was the case in Bolivia and Mali among others.
- ≡ **Human rights regulation.** During the many National Dialogue processes in the MENA region, the recognition of and adherence to basic rights and freedoms were discussed and reflected in the outcomes (→ *the examples of Bahrain on p. 146 and Jordan on p. 150*). In other contexts, the protection of minority rights was crucial. In Afghanistan, articles of the adopted constitution provided for strong minority rights, including recognition of minority languages as official regional languages<sup>10</sup> and strengthening women’s rights by “enshrin[ing] equality of men and women and promot[ing] women’s political participation by guaranteeing that at least 25 per cent of representatives in the lower house of parliament will be women”.<sup>11</sup> Especially in the Latin American contexts, indigenous and minority rights have crucially defined the agendas (e.g. Guatemala) and subsequently also the outcomes of National Dialogues.
- ≡ **Security transition.** Processes of Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR) can accompany National Dialogues; however, these sensitive topics tend to be discussed in more confined and exclusive political spaces. Most National Dialogues have only touched on this issue, for example through working groups (Yemen). In the Lebanese process, however, addressing security matters was at the core of the dialogue.

**Lebanon’s National Dialogue** (since 2008) was specifically initiated to ensure security of the state and its citizens. The first phase saw a presentation and discussion of the suggested National Defense Strategy by the parties and the process was able to keep the parties time and again engaged over central security issues, as well as committed to a political process over violence. The parties issued a joint statement ahead of elections committing themselves to the political process.

They demonstrated restraint during heights of Israeli aggression and Palestinian violence, such as the Gaza war of 2009. They issued a code of honour disciplining their political and media discourse and committed to the Baabda Declaration of 2012, a joint agreement on the disassociation policy from the civil war in Syria.

- Social and economic reform.** Outcomes under this category seek redress of the particular socio-economic challenges a country faces. These can include a commitment or concrete steps to improve social services and education (Bolivia and Jordan respectively), land reform (Kenya), measures to fight corruption (Bahrain) or increase economic competitiveness (Poland). In Yemen, working groups were concerned with social and environmental issues, as well as with comprehensive, integrated and sustainable development. Some processes are known to focus exclusively on development issues, with the aim of generating a coherent national development policy. However, these processes have not been studied in detail for this Handbook.

The main outcome of the **Bahrain's** National Dialogue process was a broad set of recommendations pertaining to the four overarching themes (social, political, economic, and human rights) and demanded among others reform of the political system, measures to fight corruption, balance privatization policy and increase economic competitiveness, a strengthening of civil organizations, an improvement of social services and the implementation and further ratification of human rights norms and conventions.

- 'Dealing with the past' and transitional justice.** In societies that have experienced violent conflict, healing broken relationships and finding redress for crimes and injustices is essential for dealing with the past (DwP) and shaping a new future.<sup>12</sup> Structural inequalities can be addressed through fundamental change mechanisms. However, it is harder to envisage deep transformational experiences for a broad set of actors when engaged in crisis management. Redress of past crimes and injustices can be initiated through National Dialogues, for example by issuing recommendations or decrees for setting up Truth and Reconciliation Commissions, but it does

*“True reconciliation exposes the awfulness, the abuse, the hurt, the truth. It could even sometimes make things worse. It is a risky undertaking, but in the end worthwhile, because in the end dealing with the real situation helps to bring real healing.”*

Tutu (1999)

not usually take place within the National Dialogue itself (Nepal and Kenya set up such commissions following their processes). Before such deeply emotional processes can take place, the principles and mechanisms through which such

processes will function have to be developed. It is important to underline that DwP processes are long-term, but the seeds need to be sown in the National Dialogue process by engaging in difficult dialogue about the atrocities committed.

### The Dilemma of Amnesty in Transitional Justice

Competing philosophies prevail on the role of amnesties in transitional justice. Amnesties have been introduced to facilitate National Dialogues. For example, the 1990 **Benin** amnesties were meant to encourage political opponents to participate in the National Conference for creating a new constitution. Similarly in **Sudan**, although the National Dialogue initiative was launched in January 2014, the process suffered major setbacks as the opposition National Umma Party (NUP) withdrew, the rebels and leftist forces did participate, and several rebel members and leaders including the SPLM-N chairman and secretary-general were sentenced to death by Sudanese courts. This was addressed by President El Bashir in September 2015 with a republican decree granting general amnesty for the leaders and members of the armed movements taking part in the National Dialogue conference.<sup>13</sup> The rebels, however, were quick to dismiss the amnesty offer as political propaganda. The **South African** ANC had faced a massive dilemma in that without an amnesty agreement, the negotiations would have collapsed and it would have been impossible to hold successful elections. The amnesty agreement was added as a 'postamble' to the Interim Constitution.<sup>14</sup> In **Yemen**, the amnesty accorded to former President Saleh, his family and key associates protected them from prosecution for the violence and human rights violations committed during and before 2011. Saleh, still the head of the ruling General People's Congress (GPC) party, was able to continue directing a party that holds half of the transitional government's cabinet posts and the lion's share of seats in the NDC.<sup>15</sup>

### Key ingredients of a good outcome

- ≡ The outcome addresses the concerns and grievances of the relevant parties, their constituencies and the public.
- ≡ All relevant parties buy in and commit to the outcome (i.e. they feel ownership of it).
- ≡ The outcome has been agreed upon without the use of violence and reflects a minimum of trust and commitment.
- ≡ The outcome lies within the mandate for the National Dialogue. The mandate can evolve over time, but for an outcome to be perceived as legitimate it should be within the mandated parameters.
- ≡ Tangible peace dividends are foreseen and incentives for collaboration are provided.
- ≡ A realistic roadmap is drawn up to implement the agreement, and monitoring and guarantee mechanisms are built in and equipped with the power to enforce it.

## 4.3 Mechanisms for implementing outcomes

*“It is not enough to have a good agreement – it also requires political will to implement it.”*

Participant, workshop for Resistance and Liberation Movements

The implementation phase needs careful planning and designing. Depending on the objective and mandate of the National Dialogue, planning for implementation happens during the process phase or even as early as the preparation phase.

Continuing with the spirit of the process and designing the implementation phase in an inclusive and participatory manner can further support thorough implementation and strengthen change processes.

The implementation phase is facilitated by infrastructure, mechanisms and forums.

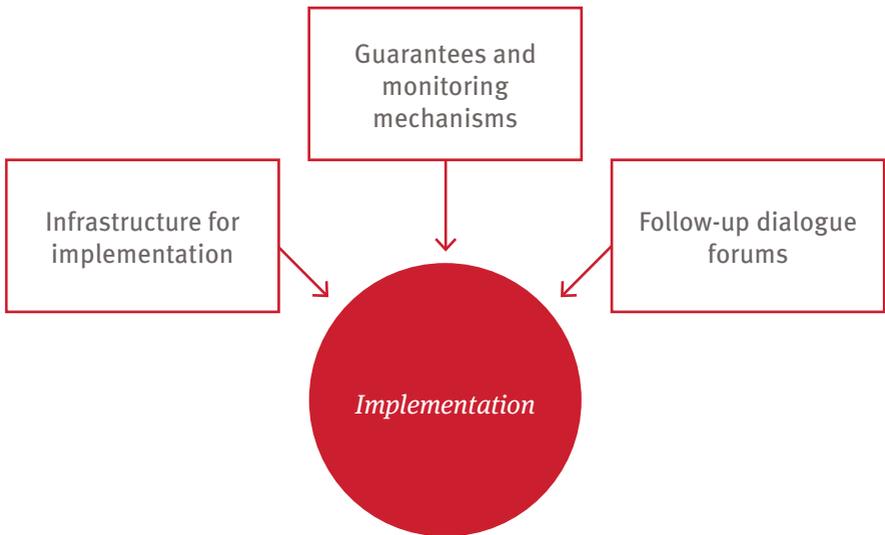


Figure 4.3: Elements facilitating implementation of National Dialogue outcomes

### Infrastructure for implementation

For translating certain tangible outcomes into legislation, it may be necessary to create legal, constitutional or parliamentary entities, often at the constitutional level. Sometimes, draft laws are created for the implementation of specific outcomes or agreements (e.g. CODESA II in South Africa). In other cases, it may suffice to assign tasks to existing entities. Since National Dialogues tend to take place in transition contexts, transitional bodies often are created to implement the outcomes. These differ in their set-up and function, depending on the objective and mandate of the National Dialogue process. In all National Conferences in francophone Africa (except Gabon and the DRC), new transitional governments were tasked to hold elections; in Benin, the DRC, Chad and Niger, follow-up bodies were established to write a new constitution. These bodies may also be tasked to review electoral law, like in Jordan and Poland. In Afghanistan, elections were part of the transition framework, but not a direct result of the Constitutional Loya Jirga.

**South Africa.** The agreement on core constitutional principles and the transitional process, developed through CODESA and MPNP, was implemented through South Africa's first universal elections of a Constituent Assembly. In this body, delegates deliberated the content and drafted the text of the new constitution with broad input through a systematic public participation programme.

A range of new institutions are seen to have sprouted in the implementation phases of many of the countries under study. Bahrain's governmental Commission, set up by the cabinet, was tasked with the implementation of a broad set of recommendations that were the direct outcome of the National Dialogue. The commission, consisting of nine government officials, was chaired by the deputy prime minister.

**Kenya.** The Kenya National Dialogue and Reconciliation (KNDR) process created a range of new institutions to facilitate implementation: (1) an independent Review Commission to investigate the conduct and outcome of the elections, to review the election crisis and offer recommendations on electoral reform; (2) a Commission of Inquiry into Post-Election Violence; and (3) a Truth, Justice and Reconciliation Commission. Proposed by The African Union Panel of Eminent African Personalities, a Coordination and Liaison Office (CLO) was established with support from UNDP. Its mandate was to facilitate the effective implementation of the agreements reached by the KNDR process, and to support the Coalition Government in addressing the root causes of the post-election crisis. In 2009, the KNDR donors asked to extend the CLO to cover activities of the Interim Independent Electoral Commission (IIEC) and the Committee of Experts on Constitutional Review (CoE). The Coalition Government asked for a further 12 months, so that it could continue to support the process of implementation of the KNDR agreements. The CLO officially closed in March 2011, however, since its work plan was closely related to the outcome of the entire KNDR process. In April 2011, a new UNOPS-led project, 'Continuing the Gains from the KNDR Process', was launched.

**Jordan.** Following the establishment of Jordan's National Dialogue Committee and indirectly a result of the National Dialogue, the Royal Commission for Reviewing the Constitution was set up. A report was produced, proposing 42 constitutional amendments. The most important ones deal with the separation of powers, the establishment of a constitutional court and an independent electoral commission, limiting the competencies of security courts, and reaffirming the protection of freedom of expression and the press. Based on these recommendations, a constitutional court and an electoral commission were created. Later, the proposed amendments were not put forward for a popular referendum, but were adopted by parliamentary vote.

**Tunisia.** Since all parties having agreed on the roadmap drafted by the Quartet, including governmental, constitutional and electoral components, the implementation phase was a quick one.



Various internal committees and the Independent High Authority for the Elections (ISIE) were responsible for implementation. The roadmap was followed through by all parties, resulting in a new technocratic government that organized parliamentary elections in October and presidential elections in December 2014. The interim government ensured stability until the handover to the democratically elected government in February 2015. A new constitution was also put in place, forming the basis for the new president and parliament and firmly rooting these democratic institutions in Tunisia's political life. While many applaud the achievements of the process in finding a political compromise, Abdelwahab El Héni, president of the Al-Majd party, notes that "the National Dialogue has not built a dream, it only got the country out of a nightmare" (quoted in M'rad 2015, 83). For some, the process fell short of addressing the real crisis of the country, which is as economic as it is political; however, the process was able to achieve its stated aim of overcoming the political crisis.

**Bahrain.**<sup>16</sup> The National Dialogue recommendations were handed over to the King, who referred the proposals to the respective authorities for implementation. Some measures were to be implemented by royal decree, while others were to be handed over to parliament and ministries for further development and implementation. Each institution was to report on implementation progress. A commission made up of nine government officials was formed to implement the recommendations. Reform proposals included measures to create more efficient law-making procedures to address delays in ratification and gaps in implementation. Subsequently, King Hamad announced changes to Bahrain's constitution in line with the recommendations.

**Yemen.** Hadi's presidency had been extended for another year, so he could carry out certain reforms and continue overseeing the transition process through the following implementation infrastructure:

#### COMMITTEE ON FEDERAL REGIONS

Tasked to divide Yemen into regions for the new federal structure

**Members:** 22

**Outcome:** decision to divide Yemen into six regions (on Feb 2014)

#### CONSTITUTION DRAFTING COMMITTEE

Tasked to draft the constitution

**Members:** 17 (appointed by the president based on main stakeholders of the NDC)

**Outcome:** drafted a constitution and submitted it to the president (early Jan 2015)

#### NATIONAL AUTHORITY

Tasked to monitor and supervise the implementation of NDC outcomes and ensure the draft constitution reflects the outcomes of the NDC

**Members:** 82 (appointed by Presidential Decree No. 30)

Since September 2014, the World Bank had been offering financial and technical support for the implementation of the NDC outcomes. For example, it co-facilitated the development of a Joint Framework for International Engagement to Support Yemen's National Dialogue Outcomes (UN-World Bank 2015).

## Guarantees and monitoring mechanisms

As in ceasefire and mediation processes, mutually agreed guarantees and monitoring mechanisms can play an important role in encouraging (and pressuring) the parties to respect their agreements and therefore guarantee that the implementation phase goes to plan. Safety nets set up during the process phase can continue to fulfil an important function safeguarding the implementation process and keeping it on track (→ *Section 3.8*). International actors can play an important role as neutral third party guarantors and monitors (→ *Chapter 5*). Depending on the level of trust among the dialogue participants and the (perceived) vulnerability of agreements, sanctioning measures can become part of guaranteeing implementation. A more creative approach is to establish avenues for collaboration where former adversaries develop interdependencies through the set-up of structures and mechanisms for implementation. Peace dividends can also provide incentives for thorough implementation.

It is crucial to think about guarantees and monitoring mechanisms early on in the National Dialogue process. Otherwise key actors may not feel bound by what has been agreed, either because the political environment has changed again or because they were not part of the National Dialogue process themselves; Togo and Mali are two cases in point.

**Togo.**<sup>17</sup> In the multiple rounds of National Dialogue in 1991, the army was excluded because of lack of trust and fear that the military leadership would hijack the process if it were integrated. When the President deployed the army to intimidate and harass participants, the army's leadership felt neither bound by nor committed to implementing any of the agreements which emerged from the process.

**Mali.** The National Conference had not created a monitoring and evaluation mechanism. Certain recommendations were not honoured by the government elected after the conference and there was no mechanism to hold it accountable and oversee proper implementation.

Certain (influential) civil society actors have played complementary (or even primary) roles in assuming guaranteeing and monitoring functions. For example, if key national stakeholders play an integral part in the National Dialogue process, they can become crucial guarantors for implementation. The Quartet came to play such a role during and after the Tunisian National Dialogue and the Kenyan example below demonstrates a different way for civil society to monitor implementation.

**Civil society's monitoring of implementation in Kenya.**<sup>18</sup> The Panel of Eminent African Personalities mandated South Consulting (a Nairobi-based research and consulting firm consisting of professionals from eastern and southern Africa) to independently monitor and evaluate the implementation of the KNDR agreements. A public tender for a KNDR Monitoring Project had been set up with funds from the Open Society Institute and UNDP. South Consulting conducted opinion polls, research and analysis of the Grand Coalition's performance.

### Follow-up dialogue forums

A necessary aspect of the implementation phase is that there is provision to allow national stakeholders to follow up on the finer details of the agreements as needed and to take up unresolved or problematic issues. Informal or semi-formal forums for regional and community follow-up dialogue can offer the opportunity to deepen dialogue on certain issues, connecting key actors on Track 2 and 3 (→ *figure 1.5*). This can ensure continuity and cohesion in the implementation of outcomes. In Tunisia, follow-up dialogue forums were small working groups, which took on controversial clauses of the proposed constitution. In these formats, it was possible for participants to extensively debate on the clauses with the aim of consensually arriving at suggestions for amendment.

## 4.4 Key considerations for the implementation phase

- ≡ It is crucial to manage expectations and not be over-ambitious about National Dialogues. A National Dialogue should be judged not only from its tangible outcomes but also by reflecting on the process as a whole. Time and resources should be invested in working on the intangibles (attitudes, skills, perceptions, etc.), as preparation for both the tangible outcomes and the longer-term change processes that lie beyond. Simultaneously, successful implementation of immediate measures for short-term outcomes should not lead to taking things for granted, but rather pave the way for more comprehensive implementation enabling fundamental change.
- ≡ Like in any negotiation process, arriving at an agreement on paper and implementing it are two different things. Useful in the case of National Dialogues is that participants strive towards reaching agreements by consensus, with the inclusion and participation of all relevant actors. This may require, and benefit from, creative means of engaging and informing the public. This in turn can facilitate broad support for the agreement from the outset and increase the likelihood of successful implementation. Another factor aiding implementation is when agreements have reached above the level of the lowest common

denominator to actually address deep-seated grievances. Thus, the process arriving at an outcome is as important as – and directly impacts upon – the quality of an outcome.

- ≡ Notwithstanding all the planning and preparation that goes into a National Dialogue process, it is helpful, especially in the implementation phase, to ensure that it does not become a plan-driven process, but rather a change-driven/ transformative process. It is important to have a clear calendar with steps for implementation (with strict but realistic deadlines), but always with a degree of flexibility.
- ≡ While ‘constructive ambiguity’<sup>19</sup> may be helpful at certain times, implementing mechanisms and bodies rely on clear language in the recommendations or agreements. Additionally, incomplete agreements need follow-up processes to ensure they do not get side-lined or lost, hampering in turn the implementation of other agreements.
- ≡ Ideally, the implementation phase of a National Dialogue should not be about ‘closing down’ but rather ‘opening up’ the space for continuous dialogue at multiple levels (for example, nationally and informally among the dialogue participants). For a sustainable structure, the concept of Infrastructures for Peace (I4P) may be worth considering (… box in 3.8, p. 128).

- 1 For a discussion on the implementation of peace agreements see Stedman, Rothchild and Cousens (2002).
- 2 Yemen's National Dialogue Conference (NDC) decided the Yemeni state would be based on a federal structure, but the important decision of actually drawing the boundaries was delegated to others. In the end, President Hadi drew up the federal structure in less than two weeks, drawing much criticism and giving the impression that key decisions were taken by the 'usual suspects'.
- 3 The cost of implementation of Yemen's NDC recommendations was estimated at US\$30 billion, which was considered unfeasible (MFA Finland 2014, 227).
- 4 "The substantive outcomes of National Dialogue are typically some form of official agreement that codifies both principles guiding significant reforms and processes for making those reforms" (Barnes 2017, 44).
- 5 Outcomes are differentiated from outputs in different ways: some see outcomes and outputs as being respectively intangible and tangible; others see outcomes as the difference made by outputs; see for example Mills-Scofield (2012). In this Handbook, only the term "outcomes" is used, with distinctions made between their tangible and intangible aspects.
- 6 This Guatemala example is based on Alvarez (2002), de Leon (2014) and the Centro de Estudios de Guatemala (2016).
- 7 See Lode (2002).
- 8 Partly based on MFA Finland (2014).
- 9 Often with binding acts of legislation, depending on the mandate and power of the process vis-à-vis the governing bodies. A mixture of binding and non-binding outcomes is also possible.

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- 10 See Afsah and Guhr (2005, 429f).
  - 11 See UN Secretary-General (2004, 3).
  - 12 DwP is alternatively often referred to as reconciliation, which however has its roots in religion and culture and tends to uphold the notion of “forgive and forget”. DwP — a more neutral approach — tends to emphasize confronting the past, seeking truth, and dealing with it constructively. Having said that, the understanding and modalities of DwP and reconciliation vary across cultures. See MSP (2009) for the topic of DwP in peace mediation.
  - 13 See [www.africareview.com/news/Sudan-rebels-rebuff-Bashir-amnesty/979180-2883144-11ysdt5/index.html](http://www.africareview.com/news/Sudan-rebels-rebuff-Bashir-amnesty/979180-2883144-11ysdt5/index.html).
  - 14 See van Zyl (1999); Mallinder (2008).
  - 15 See POMEPS (2013).
  - 16 Based on Fakhro (2013) and “Bahrain’s National Dialogue. Executive Summary of Outcomes” (2011): [www.nd.bh/en/index.php/the-dialogue/executive-summary-of-outcomes](http://www.nd.bh/en/index.php/the-dialogue/executive-summary-of-outcomes).
  - 17 Based on MFA Finland (2014, 343).
  - 18 Based on UNDP (2011; 2009).
  - 19 Constructive ambiguity is a term generally credited to Henry Kissinger. “If two parties to a negotiation cannot agree on an issue, they may be able to paper over their disagreement by using ambiguous language. The negotiation can then proceed, in the hope that the issue will be resolved at a later time or cease to be a concern.” [www.usip.org/peace-terms-glossary/constructive-ambiguity](http://www.usip.org/peace-terms-glossary/constructive-ambiguity).

## Chapter 5

# External Engagement in National Dialogue

## Contents

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172	5.2	Key considerations for external engagement

National Dialogues are by definition nationally owned and led processes. They do not take place in a vacuum and are therefore exposed to the influence of external elements, conditions, and actors. Ideally, national stakeholders leading National Dialogues decide on the role of external actors, making sure their engagement supports the process. However, experience shows that external engagement can be undermining if uncoordinated or driven principally by self-interest.

National Dialogues have recently generated interest among and support from actors in the international community (i.e. foreign ministries, donors, the UN, international NGOs, etc.). One reason for this is that National Dialogues (even the most expensive ones) are cost-effective compared to external interventions, in particular military interventions or sanctions. This can reduce the burden on the international community by putting the onus of change on national stakeholders. National Dialogues are in line with principles of national ownership and sovereignty, and also accord with other ideological and policy developments among Western donors within the OECD. In the 1990s, donor policy emphasized reducing the state's role while concurrently promoting privatization and parallel civil society structures. The pendulum has shifted back since then, as donors have begun to recognize the importance of well-functioning state institutions. This has resulted in increased support for cooperation between the state and civil society (Echagüe 2012), for which National Dialogues are a promising tool.

External actors in a dialogue process are “actors without direct participation in the dialogue, or a direct stake in the outcomes of the process” (Siebert, Kumar and Tasala 2014, 36). Having no direct stake, however, does not mean having no interests. While this chapter mainly covers the positive contributions external actors make, it is important not to assume that the influence of external actors is consistently benign. They can complicate matters, for example, by supporting one party over another or wanting to influence the outcome of a National Dialogue so that their interests remain protected.

Who are the external actors that impact on National Dialogues? This Handbook considers a broad range of actors, distinguishing between political and development actors. Political actors broadly include international and regional organizations, states, and non-governmental organizations. They also comprise religious leaders, academic institutions, diaspora groups, the business sector, and influential individuals. While political actors often act alone, they can also form part of coalitions specifically created to accompany a National Dialogue, such as Groups of Friends or Contact Groups.

Development actors, whose contribution to National Dialogue is often insufficiently acknowledged and understood, include financial institutions such as IMF and World Bank, national development funds and aid agencies as well as development NGOs. While traditionally reluctant to recognize the political nature of their work in fragile and conflict-affected contexts, development actors have shown an increased interest in

political processes, including National Dialogue. They have also emphasized conflict prevention, which is increasingly recognized as an important factor in development. The role of development actors in promoting peacebuilding and conflict prevention was acknowledged in the 2015 review of the UN peacebuilding architecture.<sup>1</sup> In short, development actors' support of peace processes has become more significant and integrated.

## 5.1 Roles of external actors

This section attempts to capture the multitude of different roles that external actors play in National Dialogue processes (… Figure 5.1). There are evidently overlaps between roles, and the categorization is not meant to suggest that external actors necessarily coordinate their interventions. Rather, they are often ad hoc and guided by vested interests. Moreover, there is no 'one-size-fits-all' approach for external engagement. To be effective, each intervention needs to take into account the political, social, economic and historical specificities of a context.

The section sheds light on the roles of political as well as development actors (… Figure 5.2, p. 170-171). The fact that both are engaged in supporting National Dialogues indicates a blurring of traditional role divisions, whereby development actors come in after a political process concluded to support reconstruction and development efforts in the implementation phase. In recent years, development actors have become more active in political processes, assuming a multitude of roles in support of National Dialogues. These roles encompass facilitating trust-building measures, setting incentives for national stakeholders to participate in dialogue processes, ensuring the inclusion of development issues in National Dialogues, providing funds and technical expertise, and supporting the dialogue infrastructure as well as the implementation of National Dialogue outcomes.

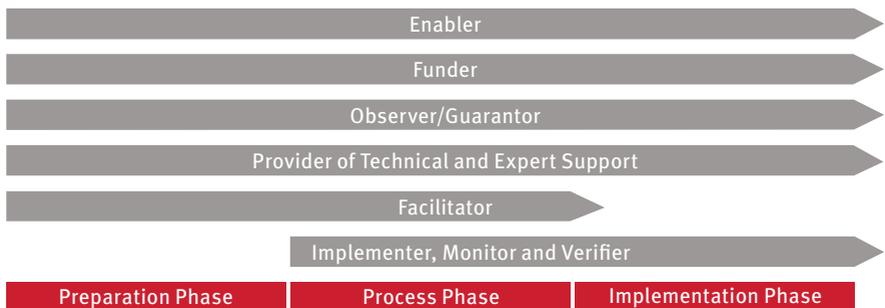


Figure 5.1: External actors' roles in National Dialogue processes

## Enabler

**Role:** External actors can be understood as ‘enablers’ when they come together to build support for a National Dialogue at the international level, and when they bring their influence to bear on conflict parties, nudging them towards dialogue with the other side. To encourage parties to engage, external actors can use a mixture of pressure and incentives. This can come in the form of public statements, ‘smart’ sanctions and embargoes (including travel bans), or incentives such as debt relief measures, assistance packages, and the promise to normalize relations, among others. Smart sanction policies have to be used with caution, because as an active intervention they can tilt the balance of forces on the ground. If used with care they can help to ‘ripen’ the situation and make the parties more amenable to dialogue.

A case in point is Poland, where the external environment played a significant role in enabling a dialogue process to negotiate the political transition in 1989. While Perestroika created a favourable environment for reformers who wanted National Dialogue, Western leaders put considerable pressure on the Polish government, threatening to withhold money if real reforms were not implemented. This was one of the reasons why the government agreed to a Roundtable Process from February to April 1989. Another example is from South Africa, where the use of economic sanctions acted as an incentive for the Apartheid regime to enter into dialogue with the African National Congress, resulting in a peaceful political transition. Moreover, the case of Syria, discussed in the box below, shows that external actors can anchor the idea of National Dialogue and make sure it is discussed in peace negotiations.

External actors can also act as ‘disablers’ if they actively discourage conflict parties from engaging in National Dialogue take action that makes any compromise between conflict parties less likely. A case in point is Ukraine, where the outbreak of the war in eastern Ukraine, and the increasing geopolitical competition between East and West, has favoured a logic of confrontation rather than dialogue among different segments of Ukrainian society after the Maidan Revolution of February 2014.

**Phases of the process:** The enabling function of external actors is perhaps most important early on, during the preparation phase, when the parties’ willingness to engage in dialogue is still being formed. External involvement can also be useful when negotiations are blocked or on the brink of getting derailed, as well as in sustaining the momentum during implementation.

### Guatemala – Group of Eight

In 1983, due to escalation of conflicts in Central America, the governments of Panama, Mexico, Colombia and Venezuela formed the Contadora Group, a multilateral engagement with the aim of promoting conflict settlement in the region. One year later, the Contadora Act on Peace and Cooperation in Central America was presented, containing an outline of commitments to peace, democratization, regional security

and economic cooperation. Subsequently, the governments of Argentina, Brazil, Peru and Uruguay created the Support Group for Contadora, also called the Lima Group. Together, the countries participating in Contadora and Lima formed the Group of Eight. Two agreements followed, Esquipulas I and II, demanding internal negotiation and dialogue within countries in the region experiencing conflict. This mobilization by external states was effective in convincing the Guatemalan government, represented by a newly elected president, to kick-start the dialogue process.

### Syria – National Dialogue as a future option?

In 2012, Kofi Annan, as the UN-Arab League Envoy for Syria, gathered a group of influential external actors. The gathering resulted in a joint statement, the Geneva Communiqué, outlining the main parameters of a future settlement of the Syrian conflict. The Communiqué included the following clause: “It is for the Syrian people to determine the future of the country. All groups and segments of society in Syria must be enabled to participate in a National Dialogue process. That process must not only be inclusive, it must also be meaningful – that is to say, its key outcomes must be implemented” (Action Group for Syria 2012, 3). The idea of a National Dialogue was further given meaning by the current UN Special Envoy with the creation of a Women’s Advisory Board and a Civil Society Support Room (managed by swisspeace and the Norwegian Centre for Conflict Resolution, NOREF) on the margins of the Intra-Syrian Talks in Geneva, emphasizing that settling the Syrian conflicts requires including broad segments of society. Discussions around a National Dialogue are complicated by the fact that the Syrian government has several times during the conflict suggested holding a National Dialogue, with the aim of undermining the opposition. Whether a National Dialogue will be held, and what form it would take, will be for all Syrians to decide.

### Funder

**Role:** External actors can also act as funders when they provide financial resources for the conduct of a National Dialogue process. In many cases, substantial funding is needed to run a secretariat, pay for the venue, host participants, invite experts, and conduct outreach, among other activities. For example, the estimated budget of the Yemen National Dialogue Conference was US\$ 37 million (Siebert, Kumar and Tasala 2014, 38). Funding can be provided directly, such as in Yemen, or indirectly through a local mechanism that supports the political process, as in the case of Nepal. In Yemen, the process was funded through a trust fund. This is a facility into which donors pay, and whose resources can then be used in a flexible manner based on emergent or pressing needs. Funding flexibility is important, not only because the duration and momentum of National Dialogues can vary greatly, but also to ensure long-term commitment by the donors during phases when international attention may shift elsewhere. The mechanism of trust funds has also been used to support other processes. In Kenya, for example, the release of funds through an internationally

sponsored trust fund ensured that the negotiations took off quickly and that the Panel of Eminent African Personalities was able to work free from financial constraints (Office of the African Union Panel of Eminent African Personalities 2008, 33).

Adequate funding is essential to keep a process going and to support the implementation of its outcomes. At the same time, it is important not to focus solely on the National Dialogue, but to also ensure that essential government functions continue to operate during the process, as the case of the Central African Republic illustrates. Indeed, effective delivery of public services fosters a conducive environment for a dialogue process.

**Phases of the process:** Funding is required in each of the preparation, process and implementation phases, with peak needs often arising during the process phase.

### **Yemen – National Dialogue and Constitutional Reform Trust Fund**

The Yemen Trust Fund was established under the sponsorship of the Government of Yemen (GoY) and the UN to support the National Dialogue and constitution-making process in Yemen. The funding of all projects was aligned with the GoY priorities in order to ensure national ownership. The trust fund consisted of a Steering Committee and an Operations Working Group. The Steering Committee was co-chaired by the Representative of GoY and the UN Special Adviser to the Secretary-General, and was responsible for reviewing project proposals and allocating funds to approved projects. The Operations Working Group was established as a working level group of the Steering Committee and was in charge of periodic reviews of the progress of the Trust Fund-funded projects, ensuring that the activities were consistent with similar initiatives undertaken outside of the Fund. The largest part of the funds available was spent to finance the secretariat and the conference; the remaining was used for coordination, advisory and outreach support.

*United Nations (2012)*

### **Central African Republic – Bangui National Forum**

Following the Brazzaville Ceasefire Conference that was held in July 2014 (mediated by the president of the Republic of Congo Brazzaville) and the Central African Republic (CAR) popular consultations during the first quarter of 2015, the Bangui National Forum constituted the third phase of the Brazzaville process. In the context of the consultations and the Bangui National Forum, the World Bank and the UN provided funding to the newly formed transitional government to help ensure the basic functioning of the public and security sector. These funds enabled the restoration of some basic service delivery and sustained certain core government functions. The assistance thus helped to stabilize the country and created a conducive environment for the three-step Brazzaville process to continue.

*UN-World Bank (2015, 28)*

## Observer and guarantor

**Role:** External actors are ‘observers’ when they are present during the process, without taking an active role, acting as witnesses and ensuring international support of the process. Observers can therefore help to create a conducive environment for rapprochement and for negotiations based on trust between the sides. Related to this is the role of ‘guarantor’. This role is performed when external actors act as a guardian, giving their commitment and lending political support to a National Dialogue process and the implementation of outcomes. In contexts where parties have little trust, external actors’ involvement as observers or guarantors can help to build confidence and alleviate the perceived risk of engaging in a process for the parties. Since these roles requires leverage, they are often fulfilled by influential states or international and regional organizations. In the case of Guatemala, for example, the UN’s role as an observer was important to generate trust in the initial stage of the process. The UN’s involvement also fostered international recognition and legitimacy during all stages of the process.

**Phases of the process:** The function of observer and guarantor in National Dialogue processes differs from phase to phase. In the preparation and process phases, observers create trust between actors and in the process, as well as ensuring international support. During the implementation phase, the guarantor function is needed in order to safeguard the implementation of the results.

### Guatemala – UN

In Guatemala, the Commission on National Reconciliation, a government appointed body, initiated the Grand National Dialogue in 1989. A year later, after signing the Basic Agreement for the Search for Peace by Political Means (Oslo Agreement) with the Guatemalan National Revolutionary Unity (URNG), it facilitated several rounds of dialogue between the URNG and various sectors of the Guatemalan society. This paved the way for official negotiations between the URNG, the Army and the Government (1991–96). In the Oslo Agreement, the UN Secretary-General, Javier Perez de Cuellar, was officially requested “to observe the activities to be carried out and to act as guarantor of compliance with the agreements and commitments entered into upon signature of this document”.<sup>2</sup> In accordance with this request, UN representatives subsequently acted as observers and guarantors in the separate rounds of dialogue. In the official negotiations that started in 1991, the UN first continued its role as observer and was only at a later stage, from 1993 onwards, present as an official mediator.

### Lebanon – Qatar and the Arab League

The Lebanese National Dialogue started in 2008 after a violent uprising revealing deep divisions within Lebanese political society. The Emir and the Prime Minister of Qatar, in close collaboration with the Ministerial Council and the Secretary General of the League of Arab States, played a crucial role in providing a conducive environment for the National Dialogue process. They provided political support for the process, which eventually resulted in the Doha Agreement reached in May 2008. The role of the Arab League was described as “to boost confidence among the Lebanese”.<sup>3</sup> Qatar, in turn, attended closed-door meetings and maintained contact with regional and national key players, although without direct involvement in the process. Both Qatar and the Arab League thus acted as guarantors of the Lebanese National Dialogue process.

### Provider of technical and expert support

**Role:** External actors are ‘providers of technical and expert support’ when they bring specific expertise into a process. The objective of this support is to provide the participants of a National Dialogue with relevant knowledge and skills, allowing them to engage substantially in a dialogue process. Technical support ranges from thematic inputs on specific areas (process design, power-sharing, etc.) to skills-training and comparative expertise. It can also include the facilitation of consultation meetings among different National Dialogue participants or between external experts and participants, to include trust-building exercises, the elaboration of concepts for the conduct of the process, or background analysis and briefing packages.

Technical support can be delivered on an ad hoc basis or to meet specific requests. This was the case in Jordan, where the United Nations Development Programme (UNDP) got involved when negotiations were blocked at the request of members of the National Dialogue Committee. Support can at times be channelled through specific platforms established to support a National Dialogue. These platforms are useful, because in addition to providing technical expertise, they can serve as informal negotiation spaces, especially when the official process faces a deadlock. The NTTP in Nepal (… p. 132-133) precisely combines these two functions. The Common Space Initiative in Lebanon (… p. 131-132) is another interesting example. It was set up to broaden the 2008 National Dialogue, which was mostly run by political elites, by including experts and civil society helping to strengthen consensus-making around key issues.

**Phases:** Technical assistance is most relevant during the preparation and process phase. It can also play a role in the implementation phase of a National Dialogue.

### Jordan – UNDP

In March 2011, Jordan set up a National Dialogue Committee (NDC) with the mandate to develop recommendations for political reforms. In general, external actors played a minor role in Jordan, with the exception of UNDP. UNDP Jordan provided technical and logistical support whenever talks between the members of the NDC reached a deadlock. One example is the organization of a meeting to provide NDC members with international expertise on different electoral systems. This meeting took place after electoral systems had become a sticking point in the process.

### Nepal – Switzerland

From 2005 to 2007, Switzerland deployed two successive senior peacebuilding advisors to support the peace process in Nepal. Both supported the process by providing technical assistance through the Nepal Transition to Peace mechanism (NTPP). The NTPP was set up in 2005 as a support mechanism and safety net for the peace process. The first one advised the peace secretariat as well as the local facilitators on matters related to process design and power-sharing. At a later stage, he advised the parties on technical matters related to preparing for the elections of the new Constituent Assembly. Similarly, the second advisor supported the constitution-making process, provided expertise on federalism, and supported civil society, political actors and the facilitators with capacity-building in the form of seminars, study tours, research and the collection of documents. Besides this Swiss engagement, a South African expert, with financial support from USAID, also provided technical assistance to NTPP.

## Facilitator

**Role:** External actors are ‘facilitators on the margin’, acting as go-betweens and helping to build trust or resolve specific issues in the process. Whereas the main facilitators in National Dialogue processes are primarily national stakeholders, externals can act as third parties for specific purposes. For example, external actors can bring National Dialogue participants together on an informal basis, allowing them to explore options in a way that would not be possible in an official setting. This role is frequently fulfilled by NGOs to gain the trust of conflict parties. The roles played by the Berghof Foundation and the Centre for Humanitarian Dialogue in Sudan and Yemen are cases in point.

External actors have occasionally also served as official facilitators in National Dialogues. This is the case of the UN in Libya. Another example is the African Union High-Level Implementation Panel on Sudan, which did not facilitate the Sudanese National Dialogue per se, but supported the parties in negotiating a political agreement, paving the way for a dialogue process at the national level.

The lesson is that external actors can serve as facilitators, especially at certain moments when leverage is needed to make progress. Yet, the challenge for external actors is to reconcile their facilitation role with the need to ensure that the process remains nationally owned.

**Phases:** External facilitators come in during the preparatory and the process phase. During the preparatory phase, they are able to open up spaces for informal meetings and exchanges, thus promoting confidence-building between actors. During the process phase, external facilitators can help break impasses and act as trouble-shooters, solving problems that need immediate attention to prevent the process from being derailed.

### **Libya – UN-facilitated political dialogue**

Calls for a National Dialogue in Libya emerged as early as 2013 when the then-government of the General National Congress (GNC) convened a National Dialogue Preparatory Committee. The committee was eclipsed, however, by the turbulent political situation in Libya. In 2014, following the split between the House of Representatives based in Tobruk and the revived GNC based in Tripoli, the UN, through its UN Support Mission in Libya (UNSMIL), brought rival factions together in the framework of the Libyan Political Dialogue. When the parties refused to engage directly, the UN acted as facilitator with the aim of driving the process forward. The UN also initiated five so-called ‘supportive tracks’ to feed the voices of local government, civil society, women, tribal leaders and security actors into the political dialogue process, albeit with varying degrees of success. The UN-facilitated political dialogue resulted in the Libyan Political Agreement, signed by the parties in December 2015 in Skhirat, Morocco.

### **Sudan – Berghof Foundation**

In 2014, the Berghof Foundation, in close collaboration with the German Institute for International and Security Affairs, and funded by the Federal Foreign Office, Germany, launched an initiative called Support National Dialogue and Reconciliation in Sudan to bring together different Sudanese actors to develop an inclusive framework for dialogue. In February 2015, the Berlin Declaration was issued with two notable outcomes: 1) It stressed the need for a conducive environment for the National Dialogue; 2) The opposition agreed to take part in the African Union High-Level Implementation Panel Preparatory Conference for the National Dialogue.

## Implementer, monitor and verifier

**Role:** External actors are ‘implementers’, or alternatively ‘monitors and verifiers’, when they are responsible for helping to translate into practice or to oversee outcomes that have resulted from a National Dialogue. This role frequently overlaps with other roles mentioned in this chapter, such as the provision of technical expertise, funds, and guarantees, which often continue in the implementation phase. Due to the size of the tasks involved, this function is mostly executed by regional or international organizations, as the cases of Yemen and Kenya illustrate. Development actors also play an important role in the implementation phase, as the example of Yemen shows. In this phase, the work of external actors is often complemented by local civil society monitoring organizations and networks, as they are embedded in the context and can reach the most remote places.

**Phases of the process:** This function is mostly relevant in the implementation phase. However, when a cessation of hostilities or a ceasefire is reached at the beginning of or during the process, external implementers may find entry points at an earlier stage.

### Yemen – World Bank

In September 2014, the World Bank offered a grant to enable the secondment of a World Bank advisor to the Office of the Special Advisor to the Secretary-General for Yemen in order to support the implementation of the National Dialogue Conference outcomes. The World Bank staff member provided technical advice to the Special Adviser on economic and governance issues in support of Yemen’s transition process. In addition, a UN-World Bank Joint Facility was developed in order to align international development assistance with national political priorities. The World Bank staff member was also tasked with facilitating the development of a Joint Framework for International Engagement to Support Yemen’s National Dialogue Outcomes.

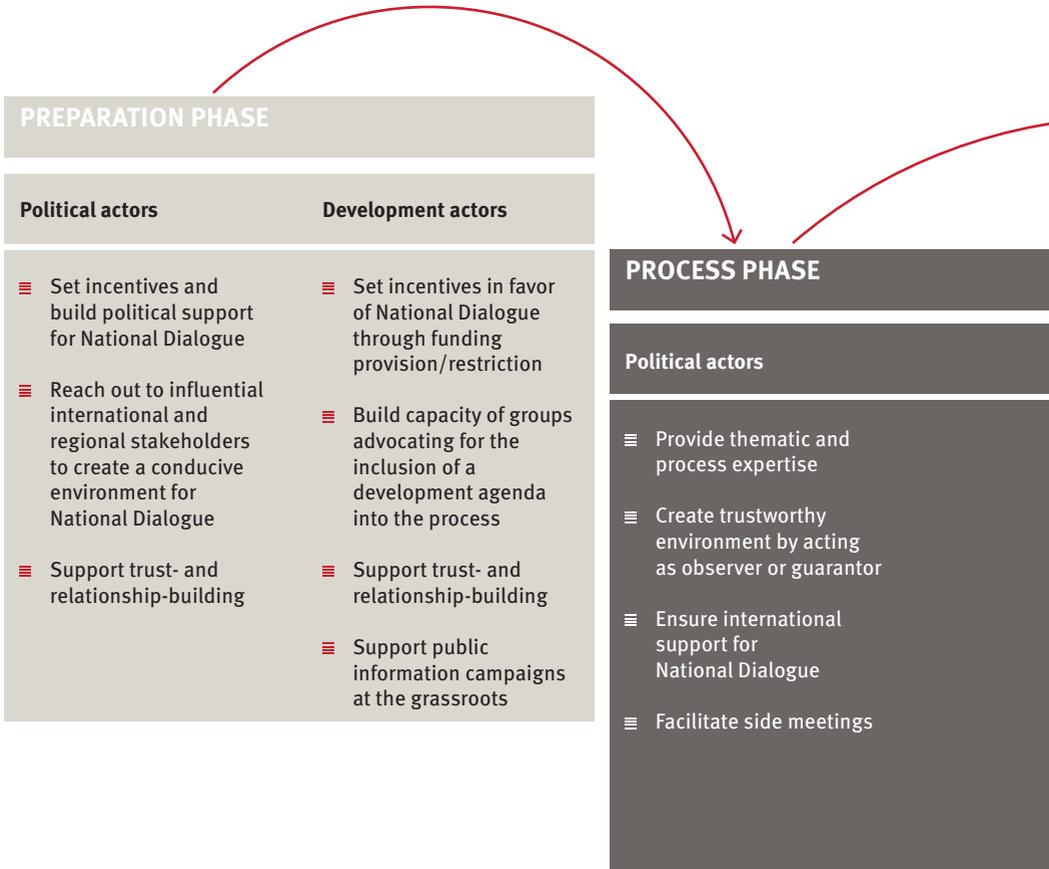
*UN-World Bank (2015, 20)*

### Kenya – Panel of Eminent African Personalities

In March 2008, the AU Peace and Security Council adopted a decision which requested the Panel of Eminent African Personalities, previously engaged in the Kenyan process, to support the Kenyan parties in the implementation of agreements they reached. This included supporting the various committees and commissions and to follow up on the recommendations emanating from these bodies. To ensure continued engagement of the Panel during the implementation phase, a scaled-down Panel Secretariat, the Coordination and Liaison Office (CLO), was maintained in Nairobi. It bore the general responsibility of assisting in the implementation of the Kenya National Dialogue and Reconciliation (KNDR) agreements and supporting the Coalition Government in dealing with long-term issues emanating from the dialogue process.

*Kofi Annan Foundation (2009)*

## External engagement in National Dialogue processes



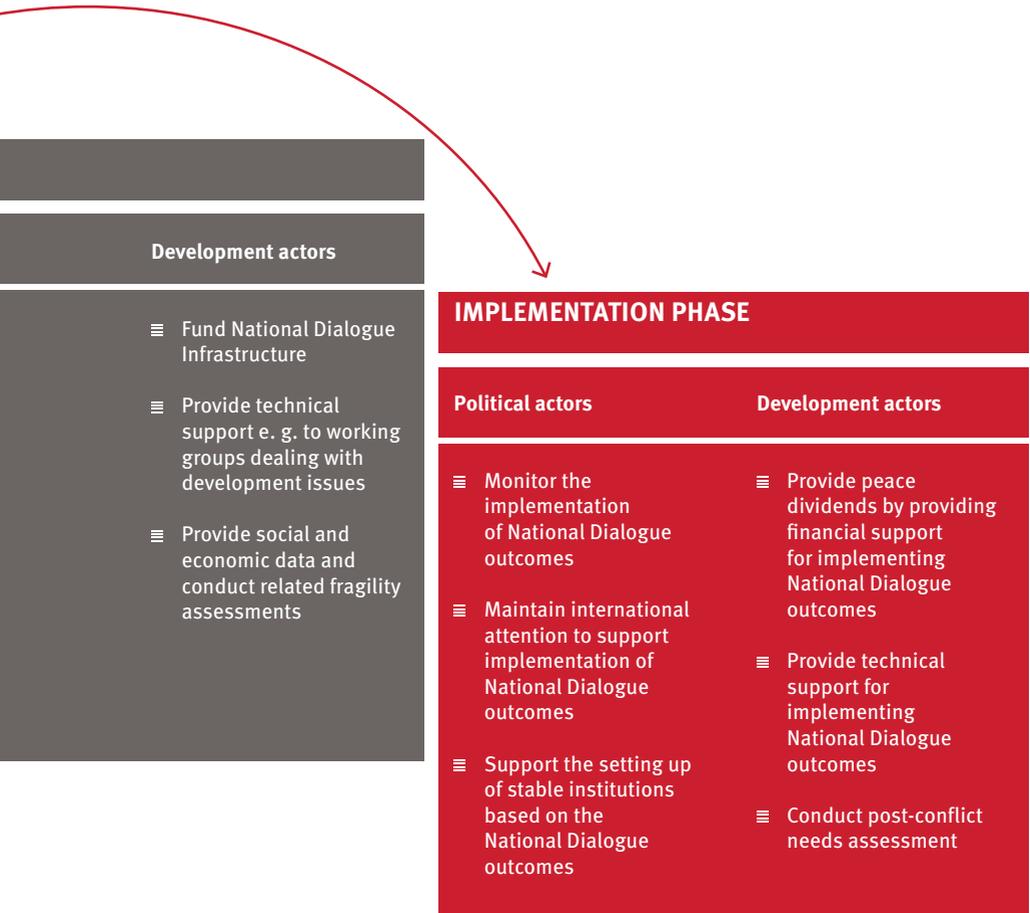


Figure 5.2: Roles of political as well as development actors in National Dialogue processes

## 5.2 Key considerations for external engagement

The engagement of external actors in National Dialogues can be useful, as the examples here illustrate. However, external engagement in processes in which the national ownership is a foundational principle is not without risk. There are three ‘red flags’ that external actors need to be particularly attentive to.

### External engagement and national ownership

External actors can play a useful role in National Dialogues, creating a conducive environment, or removing obstacles in the process. However, when external actors use leverage and play a more active facilitation role, the challenge is to strike a balance between a proactive approach and the need to ensure national ownership.

One aspect of the challenge is that states and multilateral organizations are bound by certain norms and values enshrined in their national constitutions or charters. This should not prevent external actors from engaging in an impartial manner with all relevant national actors, for example when dealing with proscribed groups, and from being respectful of local realities and value systems.

Likewise, national ownership should not be undermined by external actors’ vested interests. A case in point is Iraq’s National Dialogue, which was perceived as largely driven by external agendas, in particular the strategic interest and military requirements of the US and its allies. As a result, the process lost credibility in the eyes of local stakeholders.

In general, the principle of subsidiarity should be applied to external engagement in National Dialogues. This means that externals perform the tasks that cannot be fulfilled by national actors. Through close cooperation and alignment, external actors should complement the work of national stakeholders in dialogue processes.

### External engagement and funding

While financing a process may be viewed as picking the ‘low-hanging fruit’, even this seemingly rather apolitical way to engage can undermine a process if it is used to substitute the political will of national elites. The easy availability of funds can create short-term peace dividends without fostering real consensus over conflictual issues in the long run.

Striking a balance is always delicate. While flexible and unconditional funding may be most beneficial for the process, donors (mostly states, financial institutions and international/regional organizations) are held accountable by their taxpayers, and are often under pressure to show results in a short timeframe. However, transition phases often need long-term engagement and are likely to progress in a non-linear manner. Funding for National Dialogues therefore needs to be flexible. At the same time, it is important that funding pledges are not made in exclusive donor circles, but in consultation and with the involvement of national stakeholders. This ensures that

funding decisions respond to the requirements of those who lead National Dialogues. Generally, to emphasize national ownership, it is important that National Dialogues are not perceived as overly donor-reliant by the local population (Hartmann 2016).

### **External engagement and coordination**

Lack of coordination is a common problem in multi-stakeholder engagements in peace processes, and National Dialogues are not immune to the effects of misaligned support strategies. In Myanmar, a meeting in preparation of the National Dialogue was attended by no less than 126 different external organizations: their lack of a common understanding of the context undermined effective coordination (Siebert, Kumar and Tasala 2014, 38).

Mechanisms such as Groups of Friends and support groups can help to alleviate coordination problems. In the case of Yemen, a group of ten ambassadors (G10) from the five permanent members of the UN Security Council, the EU and the Gulf Cooperation Council worked closely with the UN Special Envoy. They were praised for their coordination and unity and were viewed by many as enabling the smooth conduct of the National Dialogue Conference. The later collapse of this unity under the weight of differing national interests contributed to the derailment of the wider dialogue process.

The most important facet of coordination in National Dialogues is between externals and the national stakeholders leading the process. Strategic priorities should be aligned and external actors should calibrate their involvement to the needs of the nationals leading National Dialogues. Generally speaking, a demand-driven and multi-partial approach – rather than a supply-driven and prescriptive one – ensures the most effective external support.

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- 1 This will be further explored by a study on the subject, jointly compiled by the World Bank and different UN entities and to be published in 2017.
  - 2 “Oslo Agreement: The Basic Agreement on the Search for Peace by Political Means” 1990. [peacemaker.un.org/guatemala-osloagreement90](http://peacemaker.un.org/guatemala-osloagreement90).
  - 3 “Doha Agreement ‘On the Results of the Lebanese National Dialogue Conference’” 2008. (Unofficial translation by ‘Now Lebanon’). [peacemaker.un.org/sites/peacemaker.un.org/files/Lebanon\\_DohaAgreement2008\\_Engl.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/Lebanon_DohaAgreement2008_Engl.pdf).

## Chapter 6

# Concluding Reflections

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*“National Dialogues are a vital means of advancing peace and reconciliation processes or of implementing peace agreements. They serve to re-new the sense of participation and ownership of the state for all groups and communities and to find solutions to problems left unaddressed for too long.”*

Weller (2015)

## 6.1 Parameters of a successful National Dialogue

- ≡ **Prerequisites.** There has to be a readiness to negotiate and engage with the other side, possibly preceded by extensive quiet diplomacy and Track 1.5 and Track 2 dialogue. Similarly, there must be recognition that a broad range of stakeholders have a legitimate role to play in overcoming political crisis or conflict. There has to be commitment and political will among key political stakeholders, along with the potential for a genuine culture of dialogue to be built among diverse constituencies. Finally, a realistic assessment of the complexity of a National Dialogue and its chances of success needs to be made in order to avoid unrealistic expectations, disappointment and ‘dialogue fatigue’.
- ≡ **Conflict stakeholders.** Despite their differences and deep-seated animosities, parties need to engage in a meaningful way and with good faith, demonstrating commitment to the process and credibility. Trust is not built overnight, but a minimum level of “working trust” (Kelman 2005) has to be developed within and throughout the process through a series of confidence-building measures which enable parties to engage in a meaningful dialogue. Preconditions such as those put forward in Libya, which conditioned negotiations on the removal of the incumbent rulers, are understandable but counter-productive. They have to be weighed carefully, taking into account the balance of forces on the ground, level of support and popularity, international support, and so on.
- ≡ **Inclusion of real power-holders.** It is important not only to include civil society actors, women, youth and marginalized sections but also power-holders from the informal and traditional sectors. The attempt at National Dialogue in Libya failed because militias and heads of municipalities were not included.
- ≡ **International/regional actors.** There needs to be a minimum political consensus among relevant international and regional actors around supporting (or at least not spoiling) attempts at National Dialogue. Such a consensus can materialize through ad hoc consultations or in a more institutionalized form through the creation of contact groups or groups of friends, or even through a UN Security Council Resolution making explicit reference to National Dialogue.

- ≡ **Balance of power.** Power asymmetries exist and can become very challenging if left unaddressed; mechanisms are required to deal with this imbalance at the table. Capacity-building measures to enhance the negotiation capacities of stakeholders who are less experienced in dialogue and negotiation are one measure to level the playing field.
- ≡ **Non-like-minded groups.** A clear strategy is needed to engage with hard-to-reach armed actors in order for them not to become spoilers later in the process, including military and proscribed groups.
- ≡ **Convener.** The convener of a National Dialogue has to be selected carefully and must be considered a legitimate and impartial actor by all sides.
- ≡ **Topic.** The topic of dialogue must be of high (national) importance and relevance, getting to the very heart of the matters troubling that country at that time. Simultaneously, the National Dialogue should not be overloaded with an unrealistic set of issues.
- ≡ **Capacity-building.** Training and capacity-building in National Dialogue design, facilitation and negotiation is essential to enhance the technical skills of insiders and negotiators. National Dialogues are highly technical and complex processes, which need to be mastered. Building national actors' capacity in this way also increases their confidence in conducting their own affairs without relying on outside assistance.
- ≡ **Exploration and preparation.** The period spent exploring and preparing a National Dialogue is as important as the process itself. The idea of National Dialogue has to be nurtured in public and political circles alike; conflict actors have to be prepared, international or regional commitment and funds sought, and communication strategies devised.
- ≡ **Implementation.** Means to follow through on agreed outcomes have to be put in place and equipped with powers to hold parties accountable. The international community has to support the implementation process with the necessary funds, expertise and smart sanctions if necessary. Sanctions have to be applied with care: not undermining popular will, nor in support of certain political personalities (with the objective of regime change, for instance), but in support of the transition process overall.
- ≡ **Timing.** The right timing is crucial for the success or failure of a process. If the stalemate is a mutually hurting one and if parties feel that they might get more if they engage in a dialogue process, the likelihood of success is high.

- ≡ **Security guarantee.** Ongoing violence, banning of opposition groups, curtailing media freedom and political killings all undermine the credibility of National Dialogues. National stakeholders participating in National Dialogues should have space to operate freely and autonomously without fearing political persecution.
- ≡ **Transition roadmap.** National Dialogues should be part of a larger transitional roadmap and have to be accompanied by economic, structural, political and judicial reform processes. Short-term humanitarian relief measures and economic stabilization programmes are essential to provide immediate peace dividends. National Dialogues are not ends in themselves, but the beginning of a structured and participatory transformation process.

## 6.2 Dilemmas and trade-offs in National Dialogue

National Dialogues are complex and demanding processes. They are essentially political in nature, often grounded in realpolitik, narrow personal interests and or party political calculations. The same applies to regional and international powers, whether they choose to be supportive, indifferent or hostile to National Dialogue processes. Moreover, political opposition groups and civil society across regions are weary of dialogue as too many attempts have not had substantial results. This has led to cynicism about the potential of real dialogue, as well as the honesty with which it is being applied, leading to suspicion and ‘dialogue fatigue’. This was apparent during the popular uprisings throughout the Arab world, when protesters in Egypt, Yemen and Bahrain demanded political leaders resign as a precondition for accepting the offer of National Dialogue. The political leaders in turn saw it as an opportunity to remain in power or to get amnesty provisions (Yemen), citing the inclusivity and legitimacy of their regimes as elected representatives of the state. In these instances, dialogue was “perceived as [...] a stratagem to gain time in order to protect the status quo” (CSPPS 2011, 2). The list goes on, highlighting the need for critical inquiry when examining not the theory but the practice of National Dialogue. These processes do not take place in a vacuum, but in the highly political and divisive moments they seek to address.

National Dialogues – or for that matter any negotiation process – are often “the continuation of conflict by other means”.<sup>1</sup> They may be neither national nor dialogical and they are almost always imperfect mechanisms that fall short of an ideal type. Even if a ‘textbook process’ has been designed, conditions outside of the control of those conducting or supporting the process may lead to its breakdown, for example when regional powers intervene or the global powers drop their support or the country turns into an arena of proxy war. Conflict stakeholders as well as practitioners and donors should be aware of this at any stage to undertake honest assessments on what is realistically possible within that context. These processes often tend to vacillate

between necessity (what needs to happen in a given situation), desirability (what would ideally be possible), and windows of opportunities (what is possible) that present themselves. Furthermore, the need for a National Dialogue often means state-society relations are disrupted and dysfunctional, which in turn makes it especially hard to develop and maintain an effective dialogue process. Establishing trust and confidence in the government, its representatives and the institutions is a long-term process that endures beyond the National Dialogue itself.

When parties and people choose to explore National Dialogue as a viable mechanism to bring the country out of deep crisis, they do so because they hope to get the maximum benefit from the process themselves. As such, National Dialogues are seen as another bargaining mechanism for achieving goals which cannot be achieved otherwise – on the battle ground, through the ballot box, or on the streets. Their perceived legitimacy potentially offers cover for the continuation of divisive politics, threats, violence or corruption. While this Handbook suggests technical measures and options for designing and conducting National Dialogue processes, we are acutely aware of these dynamics and the very political nature of the undertaking and the many challenges this poses. In the following pages, some challenges and dilemmas are outlined that are particularly problematic in National Dialogues and for which there are rarely any ready-made solutions available.

**1. How inclusive is a National Dialogue process if decision-making and outcomes remain exclusive?** Access to National Dialogues does not necessarily translate into meaningful participation – the opportunity to influence decisions. National Dialogues can support the transformation of asymmetric power relations, which makes them an attractive alternative to elite bargaining processes. However, if there is no elite consensus on critical issues, they tend to become powerless arenas lacking the buy-in of those who can make or break peace agreements. This understanding has led to many approaches to breaking deadlocks, including creative formats such as the introduction of ‘sufficient consensus’ in the case of South Africa, or more conventional means, such as ‘Two plus Two’ in Yemen, the negotiations between Mwai Kibaki and Raila Odinga mediated by Kofi Annan in Tsavo National Park when the Kenyan talks seemed to have reached an impasse, or the ‘Cyril–Roelf channel’ between ANC and National Party negotiators activated when the talks in South Africa were at the brink of collapse. But these exclusive deal-making or deadlock-breaking mechanisms are not without problems. Though sometimes necessary and efficient, they have the potential to undermine the inclusive nature of National Dialogues. At the same time, inclusive National Dialogue processes do not automatically lead to inclusive outcomes. Afghanistan’s Constitutional Loya Jirga demonstrates how a process that put considerable effort into an inclusive selection procedure failed in the overall process design to generate ownership, heavily compromised by the internationalized nature of the undertaking. The fundamental questions each National Dialogue has to grapple with are: How much inclusivity in decision-making is desired and possible? How to avoid window-dressing?

How can parallel decision-making platforms be created with binding mechanisms? How can cementing power asymmetries and consequently perpetuating the conflict be avoided?

**2. How effective is a National Dialogue process if it takes a technocratic toolbox approach?** National Dialogues have become part of a routine package for countries in transition, without necessarily duly considering the political realities of the country. The Libyan process to date is a case in point, where a largely externally-driven process was unable to provide a viable forum to build consensus around the future social contract and make-up of the state. Although a National Dialogue designed by a technical body may be sound, it might not necessarily have what it takes to transform the political culture and reform institutions. Carefully designed processes, structures and bodies are important but they cannot simply substitute for the lack of political will as well as trust between the parties that is often at the heart of the problem. The National Dialogue Conference in Yemen shows the limitations of a technically well-crafted dialogue process if other important political parameters, such as political will, regional consensus or underlying conflict issues, are ignored or are of secondary importance. This threat is reinforced when external actors take a heavily technocratic approach towards National Dialogue, focusing mainly on the results and less on the process (→ *chapter 5*). Arriving at a certain outcome should not compromise the process of getting there. It is important to know the wide range of options available to design and conduct National Dialogues (which this Handbook attempts to provide), but it is futile to copy and paste experiences from elsewhere. National Dialogues are deeply context- and time-specific endeavours.

**3. How transformative is a National Dialogue if the outcome contributes to further consolidating power asymmetries?** Asymmetric power relations challenge National Dialogues in different ways. At the most extreme, National Dialogues are used with the sole purpose of consolidating the dominant groups' powerbase in the face of internal or external pressure. Most National Dialogues are a response to a national legitimacy crisis. However, if the crisis of the state becomes the *raison d'être* for the National Dialogue, the process itself is likely to be used essentially as a means to play out the conflict and further the interests of a particular group. Afghanistan's Loya Jirga in 2003 and Iraq's Transitional Assembly in 2004 came to manifest existing relations of dominance. Sudan's current National Dialogue process has, to date, proven to be a strategic move by President Omar El Bashir to respond to international pressure and reassert his internal power base. A process dominated heavily by one group at the expense of others, this too can be referred to as "process capture" (Barnes 2017). A process can be 'captured' by the national government (as in Sudan), external actors (as the United States in Iraq) or the UN implementing an international mandate (as in the Arusha process for Darfur). Nonetheless, it is important to bear in mind that granting equal status to actors with contested legitimacy (social actors, opposition movements, military rulers, etc.) runs the risk of undermining democratic procedures. The holistic

transformation of hostile relationships, power asymmetries and conflict are long-term processes: short-lived National Dialogues have to acknowledge and recognize this dilemma and should pave the way for longer-term societal and political change.

**4. How national are National Dialogue processes?** Many National Dialogues are mandated by international bodies (UN) or regional or security groups (IGAD, AU, GCC). It could be argued that external intervention is needed in contexts with authoritarian rule to empower marginalized groups and enhance inclusivity. However, if national actors do not assume leadership of the process at some point, if participants are coerced to participate, or if they are primarily seeking external incentives (such as international recognition and increased legitimacy, *per diems*<sup>2</sup> or access to other resources), its authenticity and legitimacy will inevitably suffer. It is problematic when externals push National Dialogues as a standard response to conflicts and crises that demand swift action, without considering local realities. Processes imposed or stimulated by external actors for the wrong reasons are unlikely to become the “centre of gravity” (Barnes 2017) for socio-political change processes. Generating ownership may be one of the most difficult tasks. Ensuring ownership not only means ensuring national actors are firmly in the lead vis-à-vis potential external supporting actors, it also means the National Dialogue becomes the nationally accepted site to work through the major changes necessary. After many failed attempts, the Quartet-led National Dialogue became such a forum in Tunisia, whereas the Libyan process never managed to do that. Even if a range of actors of the political class move in one direction, as was the case in Jordan, if this lacks larger acceptance and buy-in from society at large the changes will hardly have the lasting and deep-rooted impact they seek.

**5. How legitimate and democratic are National Dialogues if they are by definition extra-constitutional mechanisms?** The call for National Dialogues in the aftermath of the Arab uprisings was rooted in the fact that the existing constitutional orders were seen to justify and consolidate unjust regimes and were hence ‘illegitimate’ in the eyes of the popular movements. While this may hold true, it has serious implications for National Dialogues that are initiated in a transitional scenario where the state, its institutions and the existing constitution suffer a serious legitimacy crisis. National Dialogues in these cases often lack clear legal status, which can only partially be overcome by a solid mandate. This is simultaneously a key strength and weakness: their extra-constitutional nature means that they can establish their own rules and procedures to address the situation as they see fit. It also means National Dialogues are not grounded in established democratic procedures. The method for selecting participants varies, but does not comply with a national ‘one person, one vote’ principle. The same applies for internal debates and decision-making that does not follow established parliamentary procedures. The participants selected may not be representative and may not reflect voters’ preferences. To avoid these risks, it is important to agree on a transitional process that includes ‘sunset’ provisions for constitutional

orders that continue to exist until the new constitution is put in place. The same applies to state administration and institutions. A minimum level of the state's service delivery function has to be kept intact until it is fully transformed so that people can enjoy immediate peace dividends (→ *chapter 5 on external engagement, especially the example of CAR on p. 164*).

To conclude, National Dialogues have to clearly define their relationship to the state and the existing constitution so that the outcome of the National Dialogue deliberations can be implemented and will not be challenged in the courts because of their unconstitutionality.

**6. Are National Dialogue processes most effective as quick fixes to avert escalation, war or turmoil?** In some cases (Yemen, Lebanon, Kenya), National Dialogues have served as a mechanism to prevent further escalation, civil war, genocide or ethnic and sectarian violence. While most were successful as a short-term conflict management tool, they failed to address the core, contested issues that would have enabled a holistic transformation of the conflict. The 'hot' topics were delegated to working groups (as in the case of Yemen), parked to be taken up at a later stage, or ignored completely for the sake of 'harmony'.<sup>3</sup> Consequently, the transformative potential of National Dialogues has been missed. While a gradual and sequenced approach – moving from less controversial to contested topics – is needed, it is important to allocate sufficient space and time to deal with the core conflict issues so that the process is not perceived as a facade. Moreover, preparation and implementation are long-haul efforts, sometimes lasting many years (as in South Africa). A balance has to be struck between not losing the momentum and meeting the immediate expectations of the population on the one hand, and allowing the time needed for parties to build trust and confidence in the process on the other, in order to tackle the underlying conflict issues.

**7. Are National Dialogues always the right mechanism to address transitional challenges?** The examples in this Handbook have shown that National Dialogues may not always be the right and are certainly not the only mechanism to manage political transitions. Dialogue is not a panacea. A thorough assessment of existing power structures may well suggest that dialogue is not feasible at a given moment of turmoil, crisis or ongoing conflict. This is when finding common ground may be unlikely and dialogue may become compromised since certain actors may seek to take advantage of the power they are able to wield. Similarly, where time pressure is high, or where key groups are fragmented, lack internal cohesion or the will or capacity to participate, or where they explicitly intend to refrain from engaging in a meaningful process, dialogue may be neither possible nor appropriate (Pruitt and Thomas 2007). Equally, the overuse or abuse of dialogue or similar processes can also compromise legitimacy, particularly when previous attempts have failed to bring about the desired change (i.e. 'dialogue fatigue'). Sudan is a case in point, where suspicion based on previous experiences was a key reason given by the opposition for not joining the current National Dialogue initiative.

The viability of a National Dialogue depends on its objective and the situation it seeks to address, and should therefore be complemented with other formats and approaches (roundtables, negotiations, mediation, problem-solving workshops, etc.).

**8. In what ways might a National Dialogue be susceptible to abuse?** Political killings of opponents before or during National Dialogue deliberations (for instance Houthis in Yemen, Chris Hani in South Africa, Chokri Belaid and Mohammed Brahmi in Tunisia) have severely eroded the trust in those processes and have led to scepticism as to their effectiveness and utility. As with other transitional processes, there are winners and losers in every transition processes and those who fear losing power often try to disrupt, boycott or dissolve the process. Togo is a case in point, where the Conference Nationale Souveraine was suspended by the President and the soldiers later “held the transitional legislature hostage” (Brandt et al. 2011, 251) because the president feared losing power. In Yemen, the former President Saleh, who even after being ousted from his seat continued to exert influence via his political party, further destabilized the situation. As with all negotiation processes, the parties might engage not to resolve the conflict but to buy time, consolidate power, gain international legitimacy for their cause or simply prevent war-crime charges and international sanctions.

**9. Are National Dialogues an easy way out for the international community that would have otherwise had to speak out against authoritarian rule and human rights violations based on its ‘responsibility to protect’?**

The need for national ownership of processes should not obscure the fact that citizens may simultaneously be bearing the brunt of violence and war. With their democratic and human rights curtailed, civilians, political opponents and civil society actors often feel forced into a National Dialogue process without sufficient guarantees for their physical or political safety. They often feel alone in their struggle for due process, having to choose between political isolation and engagement in a process that lacks democratic credentials and is managed and led by the same autocratic regime or elite against which they once started their struggle. While those in power are busy maintaining their grip, the population at large faces economic hardship and is deprived of access to basic education, sanitation, food, water, electricity or housing, and may face political repression and violence. Political radicalization and terrorism find breeding grounds in these contexts. In giving national initiatives the time and space they need to get off the ground, the international community may risk conferring legitimacy on a ‘fig leaf’ process and may postpone speak out against grave violations of human rights. Respecting national sovereignty/ownership and intervening to protect human rights sometimes become irreconcilable, leading some to claim that the lives from the Global South are worth less to the international community, as it conveniently uses ‘national ownership’ as a reason not to do anything. This dilemma is not easy to address. Even economic measures that help to support transformation processes are a double-edged sword: they may be perceived as a tool for ‘regime change’ even if they are pursued with good intentions. The economic carrots and

sticks put forward by international multilateral agencies in Tunisia demonstrate this dilemma. The release of the IMF loan of more than US\$ 500 million after the formation of the new government that had been blocked since 2013, and the € 250 million micro-financial assistance from the EU that was made conditional on Tunisia's respect for "effective democratic mechanisms, including a multi-party parliamentary system and the rule of law" (Thornton 2014, 66–67), were seen by some as a form of 'blackmail' used to force the government to step down.

**10. How long should a National Dialogue process take?** Along with the matter of who should participate, the question of how long a process should take is frequently posed. The duration of National Dialogue processes and National Conferences has varied substantially: from 10 days (Benin 1990, Madagascar 1992) to two years (South Africa 1991). Funding and time pressure, the urgency of halting violence and delivering quantifiable results, and the need to forestall spoilers or avoid a political vacuum are some considerations that tend towards having a shorter duration. While National Dialogue endeavours should have a clear time limit, devising unrealistically tight timeframes is counter-productive as expectations are raised and tangible results have to be produced. This would lead to muddling through and rushing the process without touching the more contentious and critical issues.

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- 1 Thanks to Karam Karam for this remark.
  - 2 A US\$ 100 daily stipend for delegates in the National Dialogue Conference in Yemen or the US\$ 25,000 monthly allowance for the delegates in Nigeria raised criticism and led to doubts about the actual motives behind participation (Harlander 2016, 25).
  - 3 Although the Yemeni National Dialogue Conference produced 1,800 recommendations, “some felt that the process was rushed, reaching conclusions that were not fully thought through or properly endorsed, which served to heighten rather than dissipate tensions” (Mancini and Vericat 2016, 12).

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## PART II

# Mapping National Dialogue Across the World

**Country fact sheets**



- 198 Afghanistan 2003/04
- 204 Bahrain 2011
- 210 Benin 1990
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- 222 Central African Republic 2014/15
- 228 Colombia 1991
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## Why country fact sheets?

The country fact sheets provide a comprehensive account of National Dialogues and similar processes since 1989. They present background information on each case, discuss key processes, the institutional set-up, and highlight specificities of each

### Each fact sheet consists of three parts:

1. An **overview** of the process and its context;
2. A **process chart** outlining the key parameters of the process design;
3. A **structure chart** depicting the institutional set-up, including the roles and functions of the various bodies, as well as their specific tasks.

process. As such, part II can stand on its own, showcasing the breadth and multifaceted nature of National Dialogues and similar processes, while facilitating comparative learning. However, it also provides an essential reference for part I. Each country fact sheet offers a detailed account of the cases discussed in part I, situating specific process design options within the contexts that produced and informed them. This collection of country-

specific resources, including their sources, forms the backdrop to the development of the National Dialogue Handbook.

When selecting the processes, the idea was not to include every National Dialogue, nor even to portray National Dialogues exclusively. Rather, what guided the selection was to study key processes complemented by a diverse range of transition processes to facilitate learning. Studying the design, process and structure of formats similar to National Dialogues, such as multi-party talks or constituent assemblies may provide more insightful and enriching lessons than limiting the discussion to National Dialogues alone. Hence, a number of related processes which contain elements relevant for the conceptualisation and design of National Dialogue processes were selected for inclusion.

National Dialogues are almost always embedded in larger transition processes. To allow in-depth study and maximise the usability of the fact sheets, we clearly situate each process within its larger transitional framework (as portrayed on the timeline). In the process and structure sections, we however zoom in on the most relevant elements, thus in some cases disregarding parallel or accompanying processes, notwithstanding their significance to the overall transition. Each fact sheet indicates the period that is being looked at in depth.

Given the breadth and level of detail provided for these complex political processes, we have to bear in mind that inaccuracies in figures, differing assessments of the impact of such processes and the omission of smaller or less formal structures cannot be ruled out, despite our best efforts. Perceptions and accounts may differ, sources and data sets may at times be inaccurate, and especially with older processes, data tends to be scarce. Bearing this in mind, all fact sheets have undergone an extensive review process. Insiders to these processes were approached and kindly offered their support, as did many other country-specific experts who shared their experience and understanding.

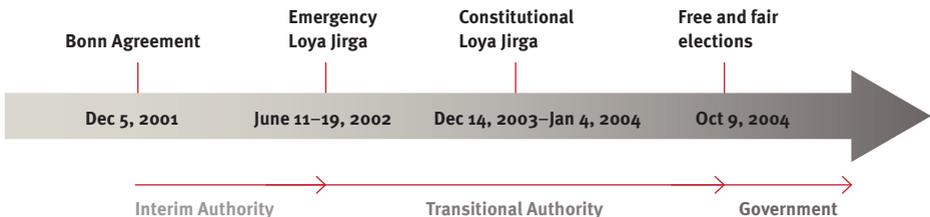
# Afghanistan

Following the US-led invasion of Afghanistan and the subsequent fall of the Taliban regime in late 2001, the Constitutional Loya Jirga was part of the country's transitional framework (better known as Bonn Process) brokered by 25 prominent Afghan and international actors during the UN-sponsored International Conference on Afghanistan held in Bonn in December 2001. The Constitutional Loya Jirga was thus part of the Bonn Process of nation-building in Afghanistan.

The Constitutional Loya Jirga was mandated to adopt a new constitution for Afghanistan, after it had been drafted by the 9-member Drafting Committee and finalized by the 33-member Drafting Commission. Initially not foreseen in the Bonn Agreement, this body was inaugurated in April 2003 in a critical step to increase both inclusivity of the drafting body and public participation in the drafting process. The Commission's task was to broadly consult with the public and extensively rework and finalize the constitutional draft according to the outcome of the consultation.

Although the CLJ aimed for certain fundamental normative changes relating to more inclusivity, gender-sensitivity and multi-ethnicity (as anchored in the Bonn Agreement), it was mainly a tool for crisis management to enable the quick establishment of functioning governance structures. The Constitutional Loya Jirga is seen as a process that created a high level of Afghan ownership, allowing for debate among political actors, but also creating forums for public participation. Inclusivity and legitimacy of the process however suffered from the exclusion of the Taliban and Hizb-I Islami.

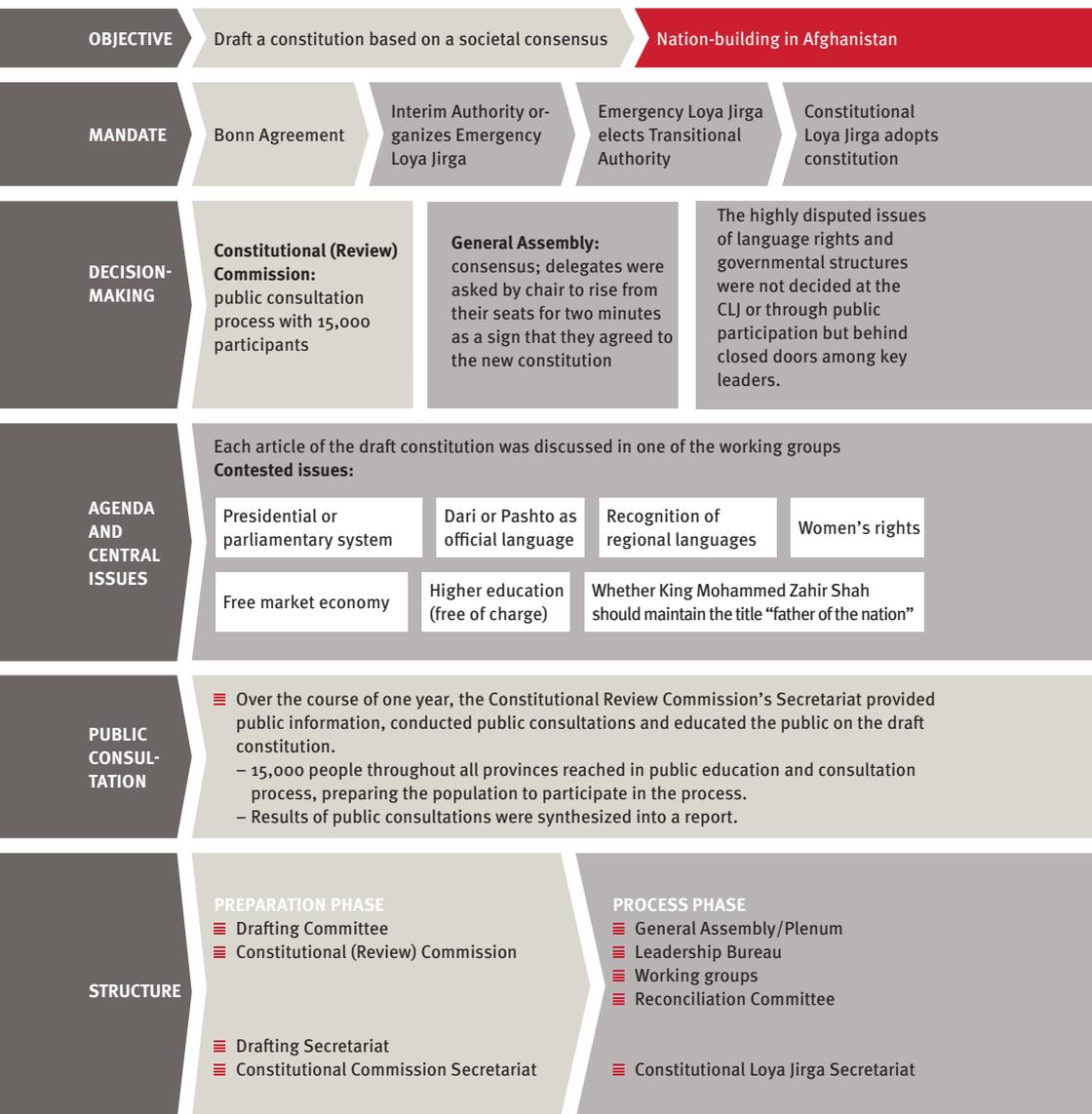
## The Bonn Process



## Constitutional Loya Jirga

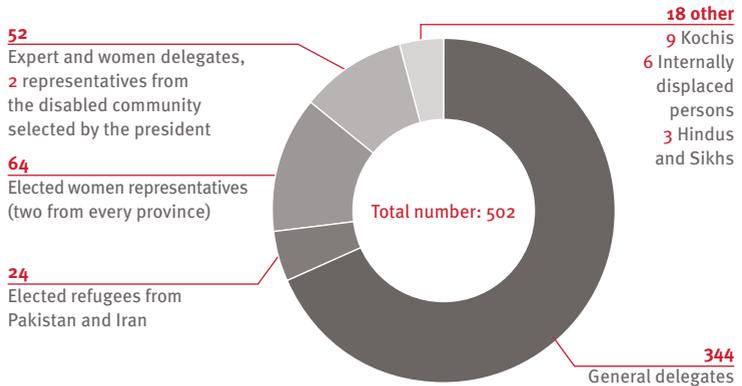
Duration	3 weeks (December 14, 2003–January 4, 2004)
Objective	To draft a constitution based on a societal consensus; the wider aim was nation-building in Afghanistan.
Mandate	Mandated by peace agreement following US invasion (Bonn Agreement).
Participation and selection criteria	<p>502 delegates; 450 to be elected, remaining 50 (25 women and 25 experts) to be appointed by president; 2 additional persons appointed to represent the disabled community; 33 members of the judiciary and transitional administration invited as observers without the rights to vote or speak. Senior government, army and police officials not eligible to participate.</p> <p>The 450 elected delegates were chosen as follows: 344 members elected through secret ballot by district representatives of the Emergency Loya Jirga process; 42 members elected by representatives of refugees in Pakistan and Iran, internally displaced people, Kuchis, Hindus and Sikhs (15% women); 64 women members to be elected by women representatives in the 32 provinces.</p>
Facilitation	Chair (Leadership Bureau and CLJ): Hazrat Sibghatullah Mujadeddi
International support	The process was assisted by IGOs (UNAMA, UNDP, UNHCR, UNOPS, ISAF), national and foreign NGOs, the Ministry of Interior and the security firm Global Risk Strategies. The US and the UN played a key role throughout the Bonn Process.
Outcomes	The constitution was ratified by the president on January 26, 2004. The 162 articles of the constitution provide for a centralized presidential system with a bicameral parliament, strong minority rights, and a strengthening of women's rights, as well as a framework for the establishment of the rule of law.
Challenges/ lessons learned	<ul style="list-style-type: none"> <li>≡ Women's participation at the CLJ reached approximately 20 percent. Despite this high representation, women's active engagement and participation was limited due to warlord intimidation.</li> <li>≡ The Secretariat of the Constitutional Commission prepared a very detailed framework to establish clear Rules of Procedure. Implementation however turned out to be challenging, with warlords trying to dominate the working groups and exert undue pressure.</li> <li>≡ Following initial difficulties to fund the CLJ, a donor friends group to the process was established.</li> <li>≡ Since the Constitutional Commission was not independent of the Afghan President, the draft constitution deliberated by the CLJ was strongly influenced by President Karzai, rather than by the Commission's public consultation efforts.</li> </ul>

## Afghanistan Constitutional Loya Jirga 2003–2004



## Process

## SIZE AND COMPOSITION



## DISTINCTIVE FEATURES

**High level of ownership.**

The design and structure of the transitional process and the Constitutional Loya Jirga in particular enabled a reasonable range of political actors to have a political debate owned and essentially driven by Afghan actors and involving popular consultations. However, significant groups were excluded – the Taliban and Hizb-I Islami.

**Public consultation and education to establish legitimacy.**

In a year-long process, the Constitutional Review Commission's Secretariat informed and prepared the public and conducted an extensive consultation process, thus establishing legitimacy of the process and laying the foundation for the 3-week CLJ. At a later stage, the Secretariat also prepared CLJ delegates by offering joint learning spaces.

**Restrained international support.**

Despite some international advisors, foreign technical assistance was kept to a minimum to prevent the perception that the constitution was being written by non-Afghans. The UNAMA Constitutional Commission Support Unit coordinated international financial and technical support. UNDP provided financial management, administrative and operational support.

## Afghanistan Constitutional Loya Jirga 2003–2004

Objective: Draft a constitution based on a societal consensus and further nation-building in Afghanistan

### PREPARATION PHASE

#### DRAFTING COMMITTEE

**Mandate:**  
Draft constitution

**Composition:**  
9 members

#### DRAFTING SECRETARIAT

**Tasks:**  
Technical, administrative, logistical, financial support services



9



#### CONSTITUTIONAL (REVIEW) COMMISSION

**Mandate:**  
Refine, finalize draft constitution:

- public consultations in all 32 provinces and with Afghan refugees in Iran and Pakistan
- produce Public Consultation Report and include findings
- organize delegates' election

**Composition:**  
33 members of different regions and ethnic groups, including 7 women

#### CONSTITUTIONAL COMMISSION SECRETARIAT (CCS)

**Tasks:**  
Technical, administrative, logistical, financial support services, including public information, consultation, communications, civic education

**Composition:**  
220–450 staff in Kabul and regional offices



33



### PROCESS PHASE

#### LEADERSHIP BUREAU

**Mandate:**  
Oversee process

**Composition:**  
Chair, 4 deputies, 4 rapporteurs

#### RECONCILIATION COMMITTEE

**Mandate:**  
Review, discuss proposals and

- decide which articles need not be altered (133)
- decide upon amendments (22)
- refer articles where no decision could be made to General Assembly

**Composition:**  
38 members: WG chairs, deputies and secretaries, Leadership

#### CONSTITUTIONAL LOYA JIRGA SECRETARIAT

**Tasks:**  
Reporting, administration, training/facilitation, protocol + Media and public outreach center

**Composition:**  
staff increase; in Kabul and 11 regional offices (incl. Pakistan and Iran)

Oct 2002–Mar 2003

Apr 2003–Nov 2003

# Structure

## IMPLEMENTATION

elect

### GENERAL ASSEMBLY / PLENUM

**Mandate:**

- ≡ Elect Leadership Bureau
- ≡ Discuss process
- ≡ Discuss and decide upon disputed articles (referred by Reconciliation Commission)
- ≡ Adopt the constitution (consensus)

**Chair:** Hazrat Sibghatullah Mujadeddi

**Composition:**

502 delegates, of whom elected:  
 344 regional representatives  
 42 refugees, IDPs, ethnic and religious minorities  
 64 women  
 appointed by the president:  
 25 experts, 25 women, 2 disabled  
 + observers

refer  
disputed articles

forward proposed  
amendments

staff

### WORKING GROUPS (WG)

Structure: 10 groups of each 50 delegates

**Mandate:**

Read through each article of the draft and vote on or note proposed amendments

**Composition:**

Balance along regional, ethnic and gender lines



502



Ratification of the constitution by the president

Distribution of the constitution by the CLJ Secretariat

Dec 14, 2003–Jan 4, 2004

Jan 26, 2004

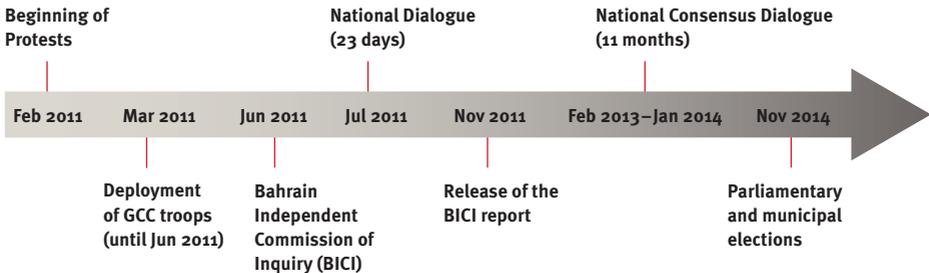
# Bahrain

The National Dialogue of 2011 was initiated after a government crackdown of protests by opposition groups, including the “February 14 youth”. This group had called on Bahrainis to take to the streets on February 14, 2011 to demand greater political and economic reforms. The date marked the 10th anniversary of the referendum during which the National Action Charter was approved and a new constitution introduced that reduced the powers of the elected chamber.

The National Dialogue, which lasted for 23 days, as well as the subsequent 11-month National Consensus Dialogue that started in February 2013, were intended as instruments for fundamental change and aimed to engage the protesters in dialogue and jointly develop recommendations that were to be implemented by a governmental commission.

However, inclusivity posed one of the greatest challenges in the process, with the opposition groups complaining that they were underrepresented. Likewise, the executive branch did not participate in the dialogue, raising fears that reforms had no chance of implementation. Furthermore, the process was criticized for excluding groups critical of the regime. Although a catalogue of recommendations was issued after the National Dialogue, the opposition raised concerns that only minor points were implemented. Societal tensions have been growing since.

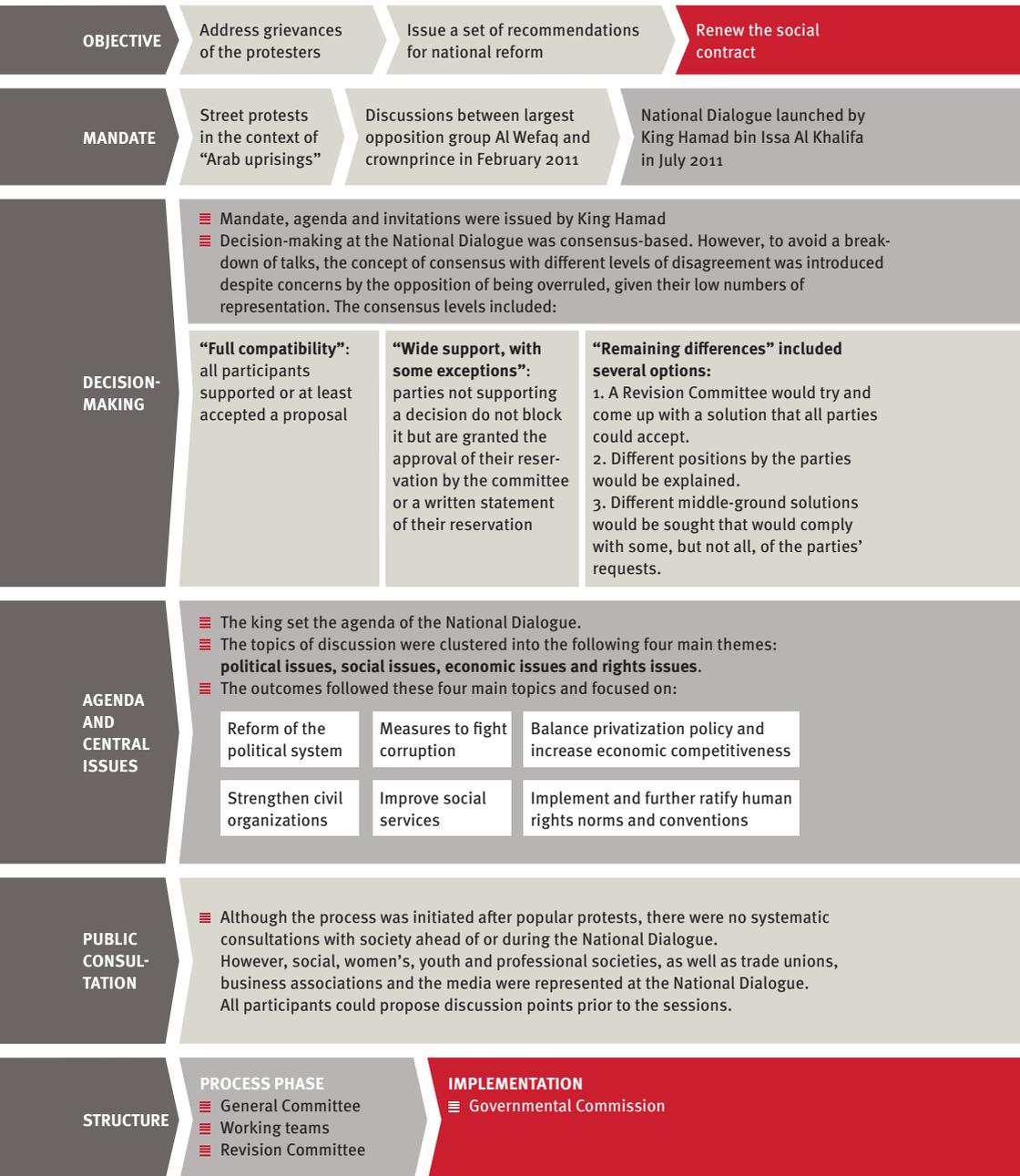
## Bahrain Protests and Reconciliation Process 2011–2014



## Bahrain National Dialogue

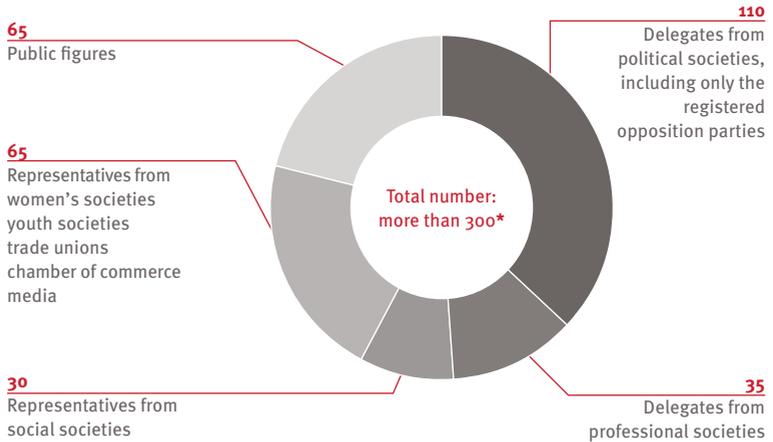
Duration	23 days (July 2, 2011–July 25, 2011)
Objective	Following protests, the National Dialogue aimed to address the grievances of protesters, reduce tensions and come up with recommendations for reform based on the demands of the protesters.
Mandate	Although formally mandated by King Hamad bin Issa Al Khalifa, the protests that erupted in February in the context of the “Arab uprisings” gave the original impetus.
Participation and selection criteria	The king issued invitations to the participating organisations. More than 300 representatives of Bahrain’s political societies, civil society groups, unions, professional and business associations, media, members of the Shura Council (appointed upper house of parliament), heads of municipality councils, business representatives as well as public figures were invited to attend the National Dialogue. It involved no ministers or top-level policy-makers within government. Irrespective of its size or power, each organisation was asked to nominate five members to represent it in the sessions. Opposition groups were granted less than 10 percent of the seats. Some opposition groups that had made a crucial contribution to starting the protests were not included.
Facilitation	Chair: Speaker of Parliament Khalifa bin Ahmed Al Dhahrani
International support	Bahraini authorities were put under pressure by their international allies, especially the United States, to implement further reforms based on recommendations put forward by the BICI report, among others. The National Dialogue was widely welcomed by the international community.
Outcomes	The main outcome of the National Dialogue was the publication of a broad set of recommendations on the reform of the political system, measures to fight corruption, balancing privatization policy and increasing economic competitiveness, strengthening civil organizations, improving social services, and implementation and further ratification of human rights norms and conventions. A governmental commission chaired by the Deputy Prime Minister Sheikh Mohammed Bin Mubarak Al Khalifa set up on July 31, 2011 was tasked with implementing them.
Challenges/ lessons learned	Many opposition figures expressed a lack of trust in state-led dialogue, which can be partly explained by the government’s use of repression while at the same time expressing its readiness for implementing reforms as well as the Dialogue’s vague objectives and agenda. The absence of a tangible solution to the crisis despite several dialogue initiatives has created frustration among Bahraini society, deepening existing conflict lines. Repeated arrests of senior members of opposition groups posed an additional challenge to the dialogue process. Another main challenge to national reconciliation was the internal divisions within the ruling family and government, as well as among the opposition.

## Bahrain National Dialogue 2011



## Process

## SIZE AND COMPOSITION



Opposition groups were given around 10 percent of the seats. No ministers or top-level policy makers within government attended the National Dialogue.

\* Approximate figures

## DISTINCTIVE FEATURES

**Invitation of participating organisations by King Hamad.**

Preparatory decision-making was to a high extent in the hands of the king. He formally mandated the process and decided upon the National Dialogue's objectives, agenda, and participating organisations.

**Lack of inclusivity.**

From the outset, opposition groups felt underrepresented with regard to the actual size of their constituencies. The process further excluded groups critical to the regime, and senior members of opposition groups who were imprisoned during the preceding protests and thus could not attend the Dialogue. The executive branch was not represented in the talks, casting a shadow on the chance the issued recommendations stood of being implemented.

**Weak mandate.**

The mandate of the General Assembly was strictly limited to issuing recommendations, which would then be implemented by a commission established for this purpose. Regarding the implementation of the recommendations, the members of this commission were only accountable to the king.

**Doubts about how seriously the objective of the National Dialogue was pursued.**

With arrests and repression continuing during the National Dialogue, doubts about the regime's seriousness and will for reform existed from the outset. Referring to this perceived lack of seriousness, the major Shia party Al Wefaq withdrew from the talks two weeks after the Dialogue's launch. Disputes about the level of implementation of results contributed to this perception.

## Bahrain National Dialogue 2011

Objective: Address grievances of protesters, reduce tensions and elaborate recommendations for reform

### PREPARATION PHASE

Formal initiation of the process by King Hamad bin Issa Al Khalifa. King Hamad decided on agenda, mandate and invitees.

#### Composition:

The king invited the participating organizations in the National Dialogue. Irrespective of its size, each organization could nominate five members to represent it in the sessions.

Over 300 social, political and business representatives were invited to attend the National Dialogue, including

- political societies, including only the registered opposition parties among which at least two Shia opposition parties had been invited, such as Al-Wefaq and the Al Ekha Society, as well as secular political societies with both Shia and Sunni members such as Wa'ad National Democratic Action Society, National Democratic Assemblage Society and the National Democratic Assembly.
- professional societies
- social societies
- women's societies
- youth societies
- trade unions
- chamber of commerce
- media and
- public figures

1



### PROCESS PHASE

#### REVISION COMMITTEE

##### Mandate:

Elaborate solutions acceptable to all parties in case of "remaining differences" at the General Committee

300



Jul 02–25, 2011

**GENERAL COMMITTEE****Mandate:**

- ≡ Discuss working group outcomes/recommendations
- ≡ Adopt list of recommendations

**Chair:** Speaker of Parliament  
Khalifa bin Ahmed Al Dhahrani

**Decision-making:**

Consensus (with various levels of disagreement: full compatibility; wide support with some exceptions; remaining differences)

**Agenda:**

4 main themes: political, social, economic, human rights issues; plus numerous sub-themes (all participants could present proposals of issues to be discussed prior to the sessions)

**Attended by over 300 participants**

**4 WORKING TEAMS****Composition:**

- ≡ Attended by up to 50 participants.
- ≡ 3 members of the Shura council and one government representative had to be present
- ≡ ND participants could choose which sub-theme working group to attend

Political issues	Economic issues	Women and family	Social issues
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**Mandate:**

Working teams discuss drafts and issue recommendations to be reviewed at the General Committee sessions

**IMPLEMENTATION****PUBLICATION**

of a broad set of recommendations based on the four main issues:

- ≡ reform of the political system
- ≡ measures to fight corruption
- ≡ balance privatization policy and increase economic competitiveness
- ≡ strengthen civil organizations
- ≡ improve social services
- ≡ implement and further ratify human rights norms and conventions

**GOVERNMENTAL COMMISSION**

**Mandate:** Implement the recommendations of the National Dialogue.

Set up on July 31, 2011

It was made up of nine government officials and chaired by the deputy prime minister Sheikh Mohammed Bin Mubarak Al Khalifa.

**Implemented recommendations:**

- ≡ Constitutional amendments ratified by King Hamad in May 2012 that slightly increase power of the house of parliament
- ≡ Release of prisoners and return of many protesters to their jobs

**Implementation challenged:**

- ≡ Regime considers most recommendations implemented
- ≡ Opposition regards only minor points as implemented



# Benin

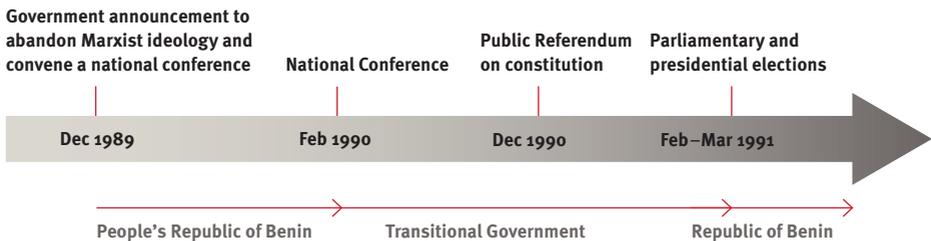
By 1989, Benin had reached a state of crisis; economic and social unrest had caused the formation of a mass movement demanding democratic renewal. On December 7, 1989, the government tasked the head of state to convene a national conference “to contribute to the advent of a democratic renewal and to the development of a new and healthy political environment.”

Initially, the Conference was to have an advisory role, but five days into the Conference, delegates declared themselves sovereign, which the incumbent President Mathieu Kérékou had to accept, given his weak standing and the unclear position of the military.

The National Conference suspended the constitution, dissolved all institutions created by the basic law in 1977, elected Nicéphore Soglo, a former World Bank official, as prime minister and agreed upon principles for a new constitution to be drafted by a newly appointed commission.

The successful National Conference contributed to fundamental change in Benin, despite its originally very weak mandate. It is seen as a positive example of national conferences in francophone Africa.

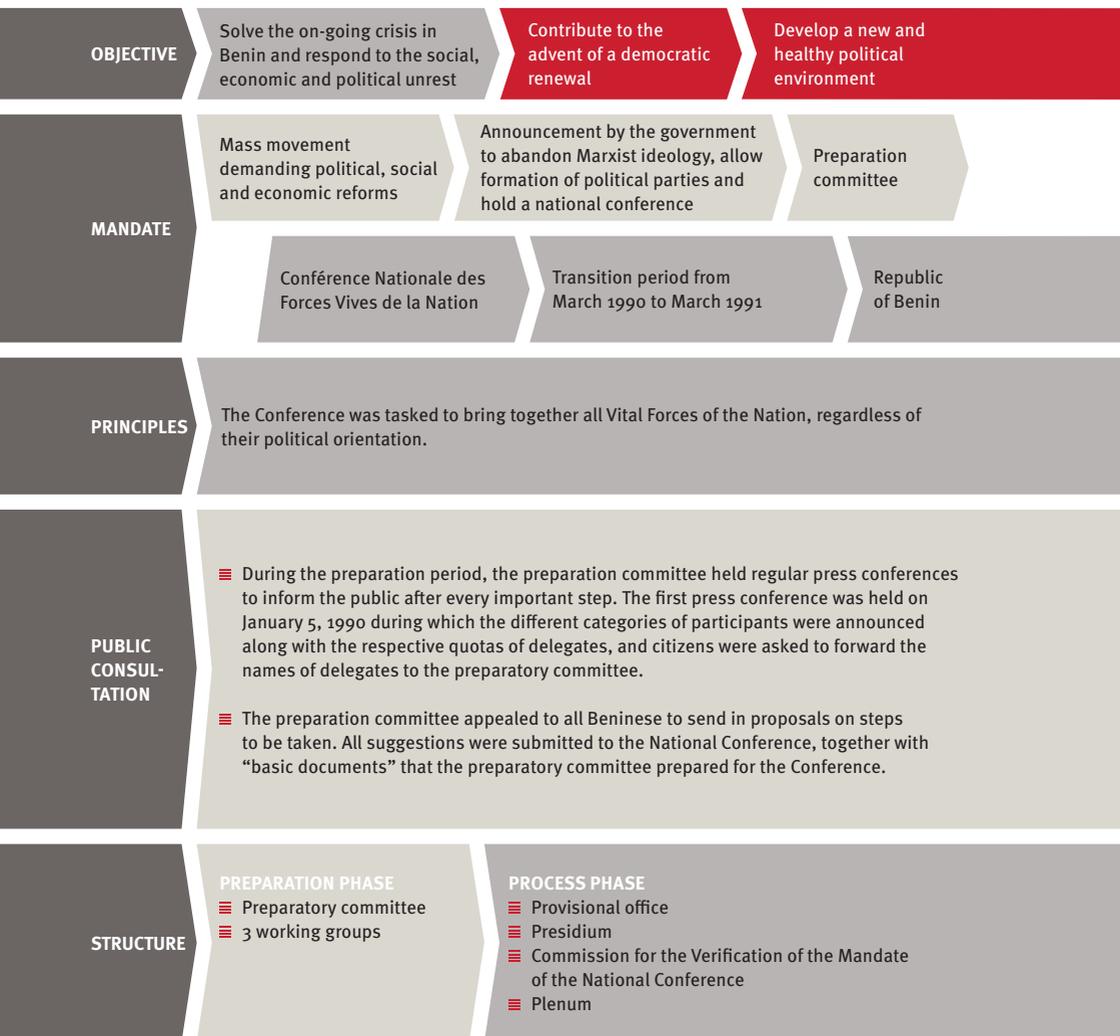
## The political transition of Benin, December 1989–March 1991



## Conférence Nationale des Forces Vives de la Nation/ Conference of the Vital Forces of the Nation

Duration	10 days (February 19, 1990–February 28, 1990)
Objective	Contribute to the advent of a democratic renewal and to the development of a new and healthy political environment.
Mandate	The mandate resulted from a joint communiqué following a meeting between the People’s Revolutionary Party of Benin (PRPB), the National Revolutionary Assembly and the government.
Participation and selection criteria	520 participants. The preparatory committee decided on 15 categories of participants, which were publicly announced by the preparatory committee. Proposals for delegates were to be submitted to the preparatory committee. The only delegates that were chosen directly by the committee were those of the category ‘Personalities and Wise People’.
Facilitation	Isidore de Souza, Archbishop of Cotonou, led a 13-member presidium.
International support	Representatives of international diplomatic missions and international financial institutions supported the process. France backed the Conference vis-à-vis the president.
Outcomes	The National Conference suspended the constitution, dissolved all political institutions created by the Basic Law 1977 (National Assembly, Executive Council and the Peoples’ Army), elected a prime minister and agreed on principles for a new constitution to be drafted by a newly appointed commission. Furthermore, the Conference established the High Council of the Republic as the legislative organ for the transition (from Mar 1, 1990 to Mar 1, 1991).
Challenges/ lessons learned	The National Conference in Benin highlights the influence of external factors, such as international pressure and the position of the military, on National Dialogues.

## Benin Conférence Nationale des Forces Vives de la Nation 1990

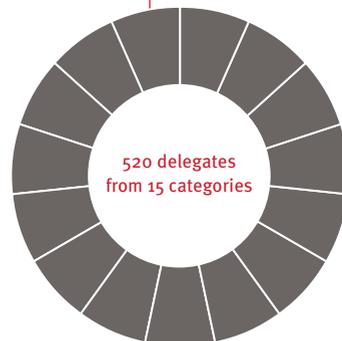


## SIZE AND COMPOSITION

15

Categories:

1. Eminent personalities and wise people
2. Religious leaders
3. Civil servants
4. Labour unions (other than the PRBP-led National Union of the Unions of the Workers of Benin (UNSTB))
5. People's Revolutionary Party of Benin (PRBP) and their mass organisations
6. Regional development organisations
7. Other non-governmental organisations
8. Professional associations
9. Other political factions
10. Students
11. Chamber of Commerce and Chamber of Beninese Industry and the national organisations of the employees of Benin
12. Farmers
13. Women and youth organisations, other than those close to the PRBP
14. Military
15. Beninese expat communities and staff of embassies and consulates



## DISTINCTIVE FEATURES

**Change of mandate during the conference.**

Five days into the Conference, delegates declared the Conference sovereign and reassessed its mandate. Thus, the delegates managed to move beyond what was originally planned as an advisory (and presumably rather cosmetic) body to a sovereign conference that dissolved all main political institutions and initiated the drafting of a new constitution.

**Domestic and international pressure.**

Domestic and international pressure and the resulting weak position of President Mathieu Kérékou forced the regime to convene the National Conference and eventually accept its decisions. Driving factors in the country included the devastating economic and social situation, general strikes and mass protests. External factors comprised protests and advocacy by Beninese exiles, the revocation of support by France, dissatisfaction of the International Monetary Fund and strong dependency on international donors.

**Influence of external factors on the National Dialogue.**

The National Conference in Benin highlights the influence of external factors, such as international pressure and the position of the military, on National Dialogues.

**Inclusion of the population to consolidate the mandate.**

The process demonstrates that mandates can evolve and become more robust over time. While the preparatory committee was set up by governmental ministers, they found ways of including wide parts of the population by press conferences and a public consultation process.

# Benin Conférence Nationale des Forces Vives de la Nation 1990

Objective: Contribute to the democratic renewal and the development of a new and healthy political environment

## PREPARATION PHASE

### PREPARATION COMMITTEE

**Mandate:**

Define the practical modalities of the organization of the National Conference (including participant selection), set the agenda and elaborate on the basic documents.

**Composition:**

8 ministers

2 Rapporteurs

### WORKING GROUPS

Education and Culture

Economy

Justice and Human Rights

Inclusion of the public by regular press conferences (from January 1990) and submission of proposals by the public to the National Conference.



8



## PROCESS PHASE

### PRESIDIUM

**Composition:**

13 members, headed by Isidore de Souza, Archbishop of Cotonou.

elect

### PROVISIONAL OFFICE

**Mandate:**

Discuss rules of engagement for the presidium

**Composition:**

3 members, including the youngest and the oldest participant of the Conference.

present report

### COMMISSION FOR THE VERIFICATION OF THE MANDATE

After the report of the commission for the verification of the mandate, the number of participants was increased from 488 to 520.



520



Dec 18, 1989–Feb 19, 1990

Feb 19–28, 1990

## Structure

**PLENUM****Mandate:**

Initially only advisory role. After the declaration of sovereignty, the Conference discussed fundamental changes to the state.

**Composition:**

520 delegates, belonging to 15 categories

participate

≡ COMMISSION FOR THE CONSTITUTION

≡ COMMISSION CHARGED WITH ECONOMIC AND SOCIAL QUESTIONS

≡ COMMISSION ON EDUCATION, CULTURE, SCIENCE, SPORTS AND ENVIRONMENT

**IMPLEMENTATION**

**Dissolution** of the political institutions created by the basic law of 1997 (National Revolutionary Assembly, Executive Council and the Popular Armed Forces).

**Establishment** of the High Council of the Republic as a transitional parliament. The transition was to last from March 1990 to March 1991.

**Election** of Nicéphore Soglo, former World Bank official as the prime minister (newly created post).

Nomination of a **CONSTITUTIONAL COMMISSION** to draft the constitution based on the principles the Conference had agreed upon.



Mar 1990–Mar 1991



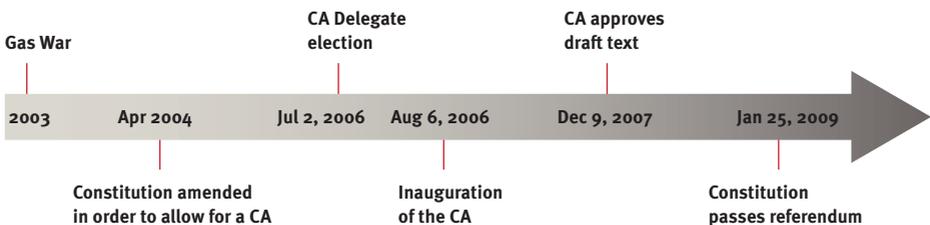
## Bolivia

The political crisis in Bolivia in the early 21st century culminated during the unrest in 2003 (the so-called Gas War) and the resignation of President Sánchez de Lozada. The idea for a Constitutional Assembly was slowly accepted by mainstream political forces and successive presidencies and took various steps, with Bolivia's National Congress adopting a law in 2006 convening the Constitutional Assembly. The aim was to expand the participation of indigenous peoples into the political sphere and create a truly pluri-national state. It therefore focused on fundamental change, in the context of Bolivia's multi-ethnic composition and the deep polarisation between the old landed elites in the Media Luna lowland regions and the popular social movement represented by President Evo Morales' Movimiento al Socialismo (MAS).

The Assembly resulted in a new constitution which granted greater political rights to indigenous peoples and increased the autonomy of the lowland departments in the east, among others.

The composition of the Assembly was remarkably diverse and inclusive with solid participation of women and indigenous groups' representatives. The process, however, was greatly marred by internal conflict which paralysed and delayed work for months, with instances of violence during the deliberations.

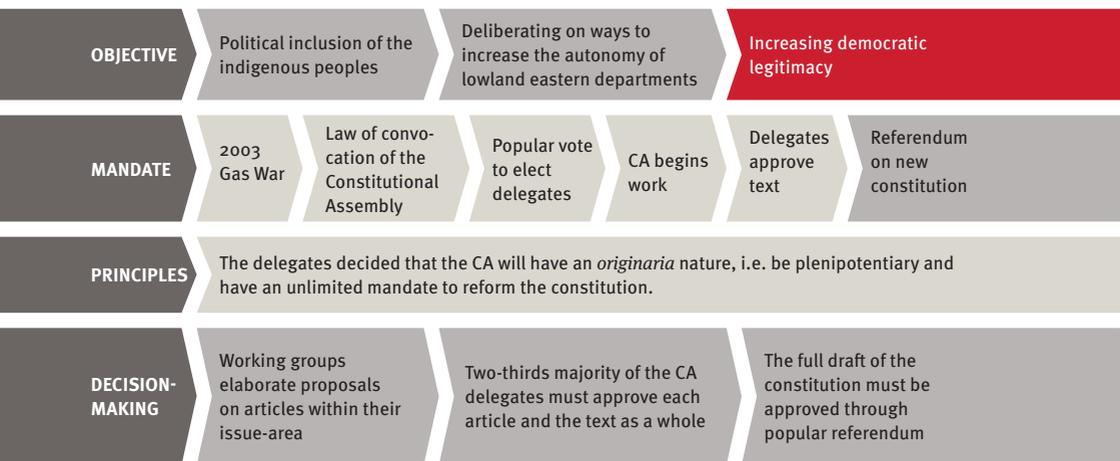
### The Bolivian Constitutional Process (including the Constitutional Assembly)



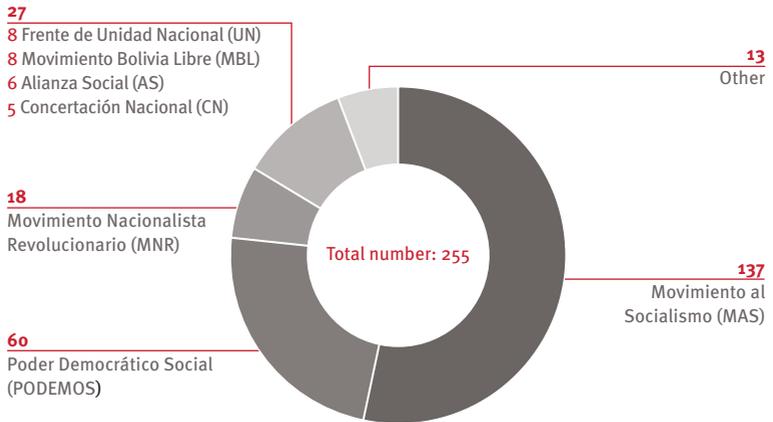
## Constitutional Assembly

Duration	16 months (August 6, 2006–December 9, 2007), originally planned for 6–12 months
Objective	To craft a constitution that is more inclusive, and particularly includes indigenous peoples in the political arena.
Mandate	<ul style="list-style-type: none"> <li>≡ Longstanding popular calls for a Constitutional Assembly culminated in 2003 (October Agenda)</li> <li>≡ Law for a sovereign CA passed by Congress in 2005</li> <li>≡ Delegates elected by popular vote</li> </ul>
Participation and selection criteria	255 popularly elected delegates, with a 30% women's quota. Each of the 70 electoral constituencies elected three members (two seats for the winner in each constituency, one seat for the second-strongest list). The other 45 seats were allocated by the nine administrative departments (two seats for the majority winning list, the other three to the subsequent parties as long as they obtained at least 5% of the total vote).
Facilitation	Presidency of the CA : chaired by President Silvia Lazarte, 11 additional members.
International support	The process was nationally-owned with no known international involvement. The EU observed the delegate election process. Some foreign organisations (the Spanish Centre for Political and Social Studies) were involved in the review of the draft text (August to December 2007).
Outcomes	<p>The new constitution was approved by the CA in 2007 and in a popular referendum in January 2009 (61% voted affirmatively).</p> <p><b>Key changes:</b></p> <ul style="list-style-type: none"> <li>≡ Increased political rights for indigenous peoples</li> <li>≡ Increased autonomy for the Media Luna lowland departments</li> <li>≡ Justice reform</li> <li>≡ State control over the use and exploitation of natural resources</li> <li>≡ Allowing the immediate re-election of presidents</li> <li>≡ Land reform (land holding limit set to 5,000 ha)</li> <li>≡ Separation of church and state</li> </ul>
Challenges/ lessons learned	One of the main challenges of the CA was the lack of established Rules of Procedure in the run-up to the sessions. Discussions on these issues delayed the process for months, with a particular example being the debate on whether or not individual articles could be agreed on with a simple majority (as the governing MAS wanted) or two-thirds majority (as the opposition PODEMOS wanted).

## Bolivian Constitutional Assembly 2006–2007



## SIZE AND COMPOSITION



## DISTINCTIVE FEATURES

**An exceptionally inclusive process.**

Indigenous groups and women made up a large proportion of the CA, 55.8% and 34.5% respectively. Moreover, 33% of the delegates lived in rural areas at the time of their election, 49% of whom had been born there.

**Significant delays due to procedural disagreements and violence.**

The CA spent the first seven months deliberating on how to approve constitutional articles which had not been drafted yet. The CA was relocated from Sucre to Oruro for the final vote (see below).

**Lack of opposition participation in crucial moments.**

The opposition absented itself from the final voting session of the CA (or was prevented from attending). According to some sources, the president had taken those in favour of his preferred version to army barracks in Oruro to vote on the final version, while other sources suggest that the move was due to security concerns as three people had died in the riots outside the venue. Moreover, the opposition requested the amendment of articles referring to land ownership, the crisis over which needed to be resolved in extra-official National Pact meetings between the government and the three opposition parties represented in Congress (PODEMOS, UN and MNR) in October 2008. Congress then approved the law allowing the constitution to be put to a referendum.

## Bolivian Constitutional Assembly 2006–2007

Objective: Craft a constitution that is more inclusive, and particularly includes indigenous peoples in the political arena

### PREPARATION PHASE

#### PRE-ASSEMBLY NATIONAL COUNCIL

**Mandate:**

Prepare election of delegates

**Composition:**

Multi-party, multi-ethnic

**Elected delegates:**

From each of the 9 administrative departments:  
2 delegates from majority winning party +  
3 delegates from the subsequent three most  
successful parties that obtained more than  
5% of the vote.

From each of the 70 electoral districts:  
2 deputies from majority party +  
1 deputy 2nd majority party

#### AD HOC COMMISSION

**Mandate:**

Prepare the Assembly



8



### PROCESS PHASE

#### PRESIDENCY

**Mandate:**

Manage organizational matters  
and proceedings

**President:** Silvia Lazarte

**Composition:**

Chair and 11 additional members  
from 6 different parties



255



## Structure

**PLENUM****Mandate:**

Draft a constitution

**Decision-making:**

Vote: 2/3 majority on all articles and text as a whole

**Composition:**

255 elected participants from 16 political parties and CSOs;  
56% with indigenous background,  
35% women


**21 THEMATIC WORKING GROUPS**  
with technical support groups
**Mandate:**

Discuss thematic issues for articles to be included in the constitution

**Composition:**

Plenum members (delegates)



Proposals from the government, political groups, movements and CSOs integrated through the positions of various delegates.



Public consultation meetings that were conducted by the working groups and elaborated in their proposals

**IMPLEMENTATION**
**ASSEMBLY APPROVED DRAFT**  
**ON 9 DECEMBER 2007**

Deliberations between political parties on the text before a law on putting it up to a referendum can be passed

- 2008 backlash to the proposed reforms:
- Series of referenda on autonomy in the Media Luna departments
  - Dialogue between the central government and the opposition governors
  - Morales survives a recall referendum

New constitution approved in referendum in January 2009

**Constitution that**

- enhances indigenous rights significantly, including their right to traditional forms of justice in those areas that are governed by indigenous peoples;
- creates a system of autonomies and decentralization;
- separates church and state;
- includes land reform.



## Central African Republic

Since 2012, the Central African Republic has suffered from intensive political violence and armed clashes between the Séléka coalition, government forces and the Anti-Balaka coalition. The fighting eventually led to a coup d'état in 2013, when the Séléka Coalition under Michel Djotodia overthrew the government of Francois Bozizé. While hostilities continued, Catherine Samba-Panza was appointed as interim President in 2014 by the National Transition Council of CAR, an ad hoc body put in place after the Seleka takeover.

As a reaction to the ongoing violence, President Samba-Panza took a step towards the reconstitution of CAR's security forces and called for international support to national reconciliation. Following the Brazzaville Ceasefire Conference in July 2014, mediated by the president of the Republic of Congo Denis Sassou-Nguesso and the CAR popular consultations during the first quarter of 2015, the Bangui National Forum was the third phase of the Brazzaville Process. The Forum brought together Central Africans from all regions and backgrounds and aimed at finding lasting solutions to years of recurrent political instability in the country and at defining a new social contract between all layers of society of CAR via consensual, global and sustainable solutions.

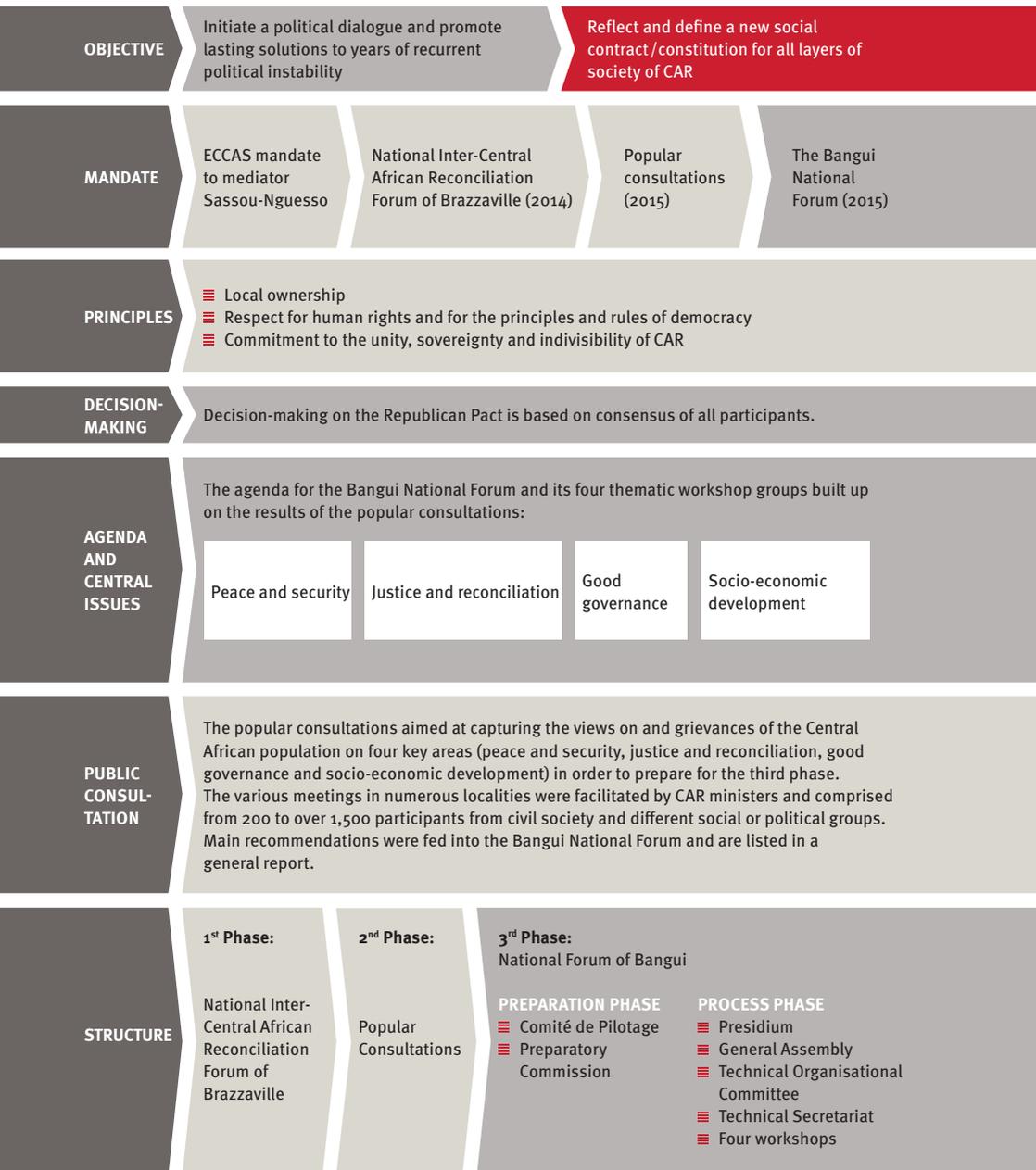
### The Brazzaville Process



## Political Dialogue for Reconciliation in the Central African Republic (Brazzaville Process)

Duration	<p><b>1st phase:</b> Brazzaville Forum: 3 days (July 21–23, 2014)</p> <p><b>2nd phase:</b> Popular consultations: 3 months (January–March 2015)</p> <p><b>3rd phase:</b> Bangui National Forum: 8 days (May 4–11, 2015)</p>
Objective	<ul style="list-style-type: none"> <li>≡ Bring together Central Africans from all regions and backgrounds to initiate a dialogue on finding and promoting lasting solutions to years of recurrent political instability in the country.</li> <li>≡ Reflect and define a new social contract between all layers of society of CAR via consensual, global and sustainable solutions.</li> </ul>
Mandate	<p>The Economic Community of Central African States (ECCAS) mandated Denis Sassou-Nguesso, president of the Republic of Congo, to mediate. The mandate was reiterated through the Cessation of Hostilities (CoH) agreement at the National Inter-Central African Reconciliation Forum of Brazzaville.</p>
Participation and selection criteria	<p>The Brazzaville Process was composed of three phases.</p> <p><b>1st phase:</b> The National Inter-Central African Reconciliation Forum of Brazzaville (July 21–23, 2014) with 170 participants.</p> <p><b>2nd phase:</b> Popular consultations, total participants: approximately 20,000 (January–March 2015)</p> <p><b>3rd phase:</b> The Bangui National Forum (May 4–11, 2015) comprised 600 to 700 representatives from the transitional government, national political parties, the involved armed groups, the private sector, civil society, traditional chiefs, and religious groups.</p>
Facilitation	<ul style="list-style-type: none"> <li>≡ Popular consultations: facilitated by 28 teams led by CAR ministers</li> <li>≡ Bangui National Forum: presided and chaired by Abdoulaye Bathily, UN Special Representative for Central Africa.</li> </ul>
International support	<ul style="list-style-type: none"> <li>≡ The International Contact Group on CAR (ICG-CAR or “G8”).</li> <li>≡ Support by different peace support organizations, including HDC, CMI and USIP.</li> </ul>
Outcomes	<p><b>1st and 2nd Phase:</b> CoH agreement and a popular consultations report</p> <p><b>3rd Phase (Bangui National Forum):</b> “Republican Pact for Peace, National Reconciliation and Reconstruction in the Central Republic of Africa” (Republican Pact) and agreements on disarmament of armed groups and the release of child soldiers.</p>
Challenges/ lessons learned	<ul style="list-style-type: none"> <li>≡ Notion and function of the nation state are still being questioned by political (armed) groups in CAR</li> <li>≡ Huge divergence between mandates and means of implementation</li> </ul>

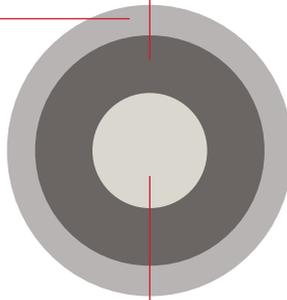
## Political Dialogue for Reconciliation in the Central African Republic 2014–2015 (Brazzaville Process)



## SIZE AND COMPOSITION

1<sup>st</sup> Phase  
The National Inter-Central African  
Reconciliation Forum of Brazzaville  
(July 21–23, 2014)

**170**  
Participants comprised from  
Central African transition  
authorities, armed groups, civil  
society and religious groups.



2<sup>nd</sup> Phase  
Popular Consultations  
(January–March 2015)  
**approximately 20,000**

Total participants.  
The number of participants  
varied from around 200 to over  
1,500 people per consultation,  
comprising different ethnic  
groups, youth and women in  
the respective localities.

3<sup>rd</sup> Phase  
The Bangui National Forum  
(May 4–11, 2015)

**600-700**  
Participants comprising the transitional  
government, national political parties,  
the involved armed groups, the private sector, civil  
society, traditional chiefs, and religious groups.  
Including around 120 women, from the country's 16  
prefectures and from different communities, religious  
backgrounds and ethnicities, including the diaspora  
and the refugee populations.

## DISTINCTIVE FEATURES

**Large popular consultations.**

Popular consultations in the second stage of the Brazzaville Process were conducted throughout the whole of CAR as well as in the neighbouring countries that hosted CAR refugees. Around 28 trained teams of facilitators conducted the consultation and were deployed in Bangui, the 16 prefectures and in the most important refugees' camps in the neighbouring countries. Altogether, over 19,000 persons were consulted, achieving quite a unique degree of popular consultation and public participation, thus laying the foundations for the four thematic working groups in the Bangui National Forum.

**Lack of means of implementation.**

The Republican Pact signed in 2015 marked a watershed moment in the Brazzaville process and paved the way for some crucial provisions for long-term peace and reconciliation in CAR. However, many of these provisions failed to produce tangible results due to the prevailing lack of means of implementation. As integral part of the Republican Pact, the DDRR agreement best exemplifies this problem. The existence of around a dozen armed groups, of which nine signed the agreement, paired with the weak position of the central government in many areas of CAR poses serious challenges to this momentous endeavour. A huge discrepancy existed between the mandated aim of the DDRR agreement and the capacities available for realizing it. The consequences of this lack of implementation put the peace and reconciliation process in the CAR in constant jeopardy and explain the persistence of irregular armed forces, armed violence and political instability.

## Political Dialogue for Reconciliation in the Central African Republic 2014–2015 (Brazzaville Process)

Objective: Initiate a political dialogue and promote lasting solutions to years of recurrent political instability; reflect and define a new social contract/constitution for all layers of society

### 1<sup>ST</sup> PHASE

#### NATIONAL INTER-CENTRAL AFRICAN RECONCILIATION FORUM OF BRAZZAVILLE

##### Chairs:

- ≡ President of the Republic of Congo
- ≡ Representative of the President of the AU Commission
- ≡ UN Special Representative for Central Africa

##### Participants:

Representatives of the transitional government, council and court; political parties and armed movements; civil society; representatives of IGOs



Cessation of Hostilities Agreement



170



### 2<sup>ND</sup> PHASE

#### POPULAR CONSULTATIONS

28 facilitation teams: consisting of 3 to 15 people

Participants in total: **appr. 20,000** men, women and youth

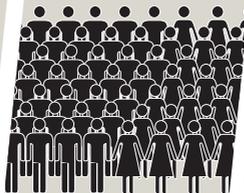
#### Report of the Restitution Workshop on the Popular Consultations

##### 4 categories :

- ≡ Dialogue, justice, reparations, reconciliation
- ≡ Peace and security
- ≡ Governance and elections
- ≡ Recovery and reconstruction



appr. 20,000



### PREPARATION PHASE

#### COMITÉ DE PILOTAGE

##### Mandate:

Put in place the technical secretariat and the technical commissions for the forum

**Chair:** Mahamat Kamoun, Prime Minister of CAR

#### PREPARATORY COMMISSION

##### Tasks:

Develop internal regulations, budgeting, agenda, code of conduct and criteria and quota for participation in the National Forum of Bangui

**Chair:** Béatrice Emilie Epaye

##### Composition:

Representatives of transitional authorities, “Forces Vives de la Nation”, refugees, religious groups, international facilitators, political parties and armed groups

Jul 21–23, 2014

Jan–Mar 2015

# Structure

## 3<sup>RD</sup> PHASE: NATIONAL FORUM OF BANGUI PROCESS PHASE

### PRESIDIUM

**Mandate:**

Ensure and provide for a good conduct of the forum, lead debates.

**President:**

Abdoulaye Bathily, UN Special Representative for Central Africa

### TECHNICAL ORGANISATIONAL COMMITTEE

**Composition:**

General Coordinator and 10 members

Technical Secretariat



600  
-  
700



### GENERAL ASSEMBLY

**Mandate:**

Deliberate on workshop proposals and agree on outcome documents.

**Decision-making:** Consensus

**Composition:**

600–700 participants from CAR's 16 prefectures, diaspora and the refugee populations, civil society groups, representatives of ICG-CAR.



4 thematic reports to lay foundations for discussions



### 4 WORKSHOPS

**Mandate:**

Analysis, strategic and operational orientation based on the popular consultations.

1. Peace and security

2. Justice and reconciliation

3. Governance

4. Development

## OUTCOME

Republican Pact for Peace, National Reconciliation and Reconstruction in CAR

DDRR Agreement

Agreement on the release of child soldiers.

## IMPLEMENTATION

Constitutional referendum that led to the approval of the new constitution

Parliamentary and presidential elections on December 30, 2015



May 4–11, 2015

Dec 2015

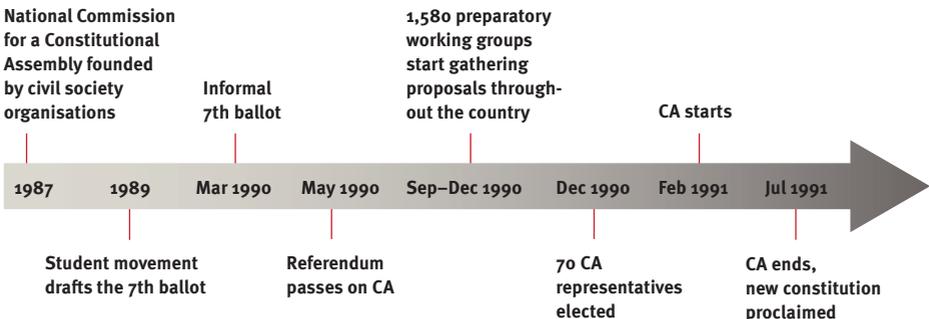
## Colombia

Internal armed conflict with guerilla groups, paramilitaries, urban militias and drug cartels, set against the backdrop of an exclusive two-party system and a series of killings of candidates for the 1990 presidential election, fostered a large-scale legitimacy crisis in Colombian politics. Following an informal plebiscite, and then a formal one attached to the 1990 presidential elections, President César Gaviria convened a Constitutional Assembly in 1991. The aim of the CA was to resolve the legitimacy crisis and halt the ever-increasing levels of violence by creating a more inclusive and participatory constitution.

The process was an effort at crisis management through fundamental change, and participation in the CA itself was an incentive for various insurgency movements to engage in negotiation processes with the government. The CA had the ambitious aim of reforming the social contract in Colombia to mitigate conflict. The formal inclusivity of the Colombian social contract was indeed greatly expanded in the new constitution, which not only defined multiple participatory mechanisms but also guaranteed a series of rights and mechanisms for inclusion of the country's ethnic and religious minorities, including indigenous groups whose representatives participated in the Assembly. On the other hand, there was a significant legitimacy gap due to the exclusion of major guerilla groups (FARC, ELN) and traditional political elite actors.

The outcome was mixed as the new constitution provided mechanisms for increased participation and the protection of minority rights, but in practice traditional power structures and patterns were fortified by the 1991 elections, while the ongoing war limited the effect of the political reforms put forward by the constitution.

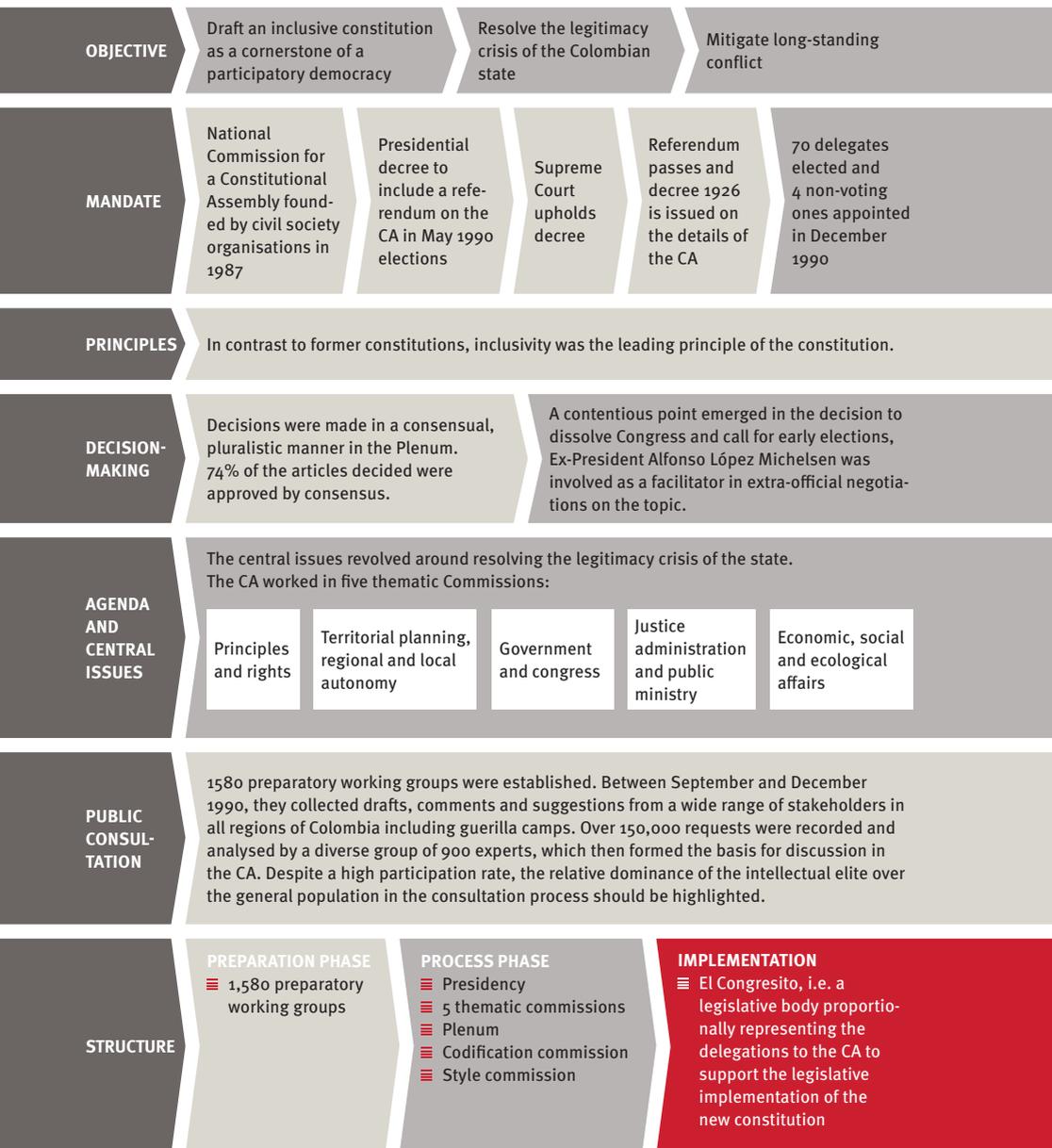
### The Colombian Constitutional Assembly 1991



## Colombian Constitutional Assembly 1991

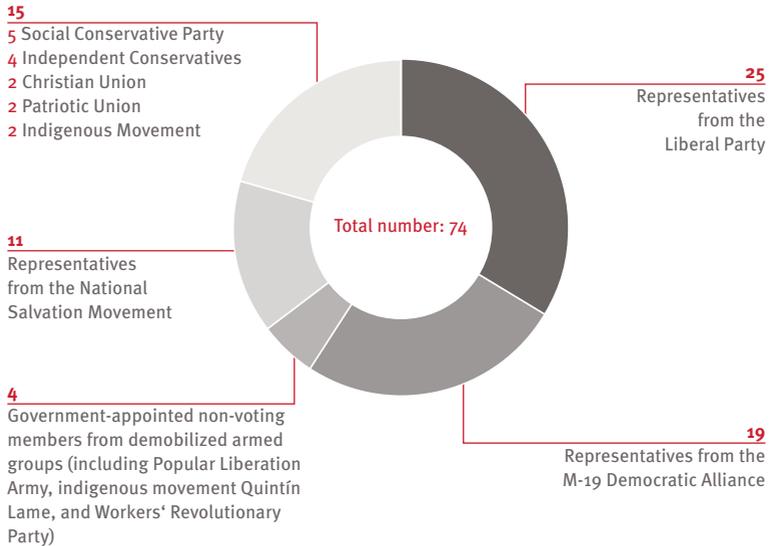
Duration	5 months (February 5, 1991–July 4, 1991)
Objective	To devise a new constitution for Colombia which would be more inclusive and participatory as a conflict mitigation effort.
Mandate	Mandated by the 7th ballot paper, an unofficial referendum conducted along with the presidential elections in May 1990 (so called because it was in addition to the six official ballot papers, i.e. senators, representatives, departmental assemblies, mayors, municipal councils and the Liberal presidential primary).
Participation and selection criteria	70 delegates from a relatively wide spectrum of political parties and social movements. The presidency determined eligibility criteria for standing for election to the CA, which were later challenged by the Supreme Court on grounds of being exclusive. The process largely disregarded extra-parliamentary movements who had been the driving force behind the initiative (such as the UP), as well as paramilitary and guerilla groups who had not reached ‘an advanced’ stage in their negotiations with the government (such as FARC and ELN). Four additional delegates from demobilized guerilla groups (EPL, PRT, Movimiento QL) without the right to vote were appointed by the government.
Facilitation	Joint presidency elected by the plenum on the first day of the CA: Navarro Wolff (ADM-19), Alvaro Gómez Hurtado (MSN) and Horacio Serpa Uribe (Liberal Party).
International support	<ul style="list-style-type: none"> <li>≡ No supportive states or UN involved in conversations leading to the CA; no external guarantors of the peace accord.</li> <li>≡ The international community provided financial support for expanding the government’s technical capabilities (UN-funded presidential agency provided technical support), strengthening the role of civil society and disseminating information on the assembly’s debates and the constitution.</li> </ul>
Outcomes	A new constitution promulgated on July 4, 1991 which increased the formal inclusivity of the political system and added guarantees for cultural, ethnic and religious communities. The CA also decided to dissolve Congress on July 5, 1991 and hold early elections on October 27 (in which CA delegates were barred from participating). The Comisión Especial (El Congreso), a legislative body representing the delegates of the CA, was established to support the legislative implementation of the new constitution.
Challenges/ lessons learned	The process was criticised for being driven by intellectual elite and urban reformist movements within traditional power structures. A low voter turnout for delegates raised issues of legitimacy. Some traditional power structures resisted the process. There were implementation challenges, with the two largest parties winning the elections in 1991, which was partly due to the ban on CA delegates to run, which included the top figures in most of the smaller parties and movements.

## Colombian Constitutional Assembly 1991



## Process

## SIZE AND COMPOSITION



## DISTINCTIVE FEATURES

**Initiated by civil society.**

The process was initiated by civil society and endorsed in a popular vote, the so-called 7th ballot, by more than 5 million Colombians.

**Inclusivity became the leading principle.**

Many Colombians regarded the participation of traditionally excluded sectors of society, including former guerilla groups, an ideal avenue towards more political inclusivity and a possible solution to protracted armed conflict.

**Exclusion of some key actors.**

Though the CA aimed for broad participation, it largely disregarded the extra-parliamentary movements and parties which had been the actual driving force behind the initiative to hold a CA. A number of crucial actors (and veto-players) such as the drug cartels, the FARC, and the ELN, as well as important representatives of the traditional political elites chose not to participate in the Assembly or were barred from participating by the government.

## Colombian Constitutional Assembly 1991

Objective: Draft a single text reforming the National Constitution, resolve the legitimacy crisis of the state and thus mitigate the long-standing conflict

### PREPARATION PHASE

#### NATIONAL COMMISSION FOR A CONSTITUTIONAL ASSEMBLY

##### Mandate:

Prepare referendum (“7th ballot”) in the scope of the 1990 elections on whether to hold a Constitutional Assembly

##### Composition:

Representatives of the most powerful trade unions and NGOs, plus some political leaders who formed a National Committee of Unity.

#### CONDUCTED BY THE GOVERNMENT

#### 1,580 PREPARATORY WORKING GROUPS throughout the country

##### Mandate:

Collect drafts, comments and suggestions and promote engagement in a public discussion on the presented agenda

##### Composition:

Inclusive, social and political groups and organisations conducted by the municipalities, supported by expert committees set up by the presidency.

##### Outcome:

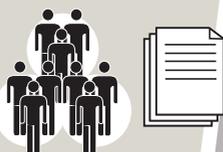
More than 150,000 proposals, which formed the basis for discussion in the CA.

#### PRESIDENTIAL AGENCY funded by the UN

Tasks during the preparation phase:

- Technical support
- Contribution to elaborating the government draft of the constitution submitted to the CA

1,580



### PROCESS PHASE

#### PRESIDENCY OF THE CA

formally elected by the Plenum on the first day of the CA

##### Chair and composition:

Co-chaired by three political leaders: Antonio Navarro Wolff (ADM-19), Alvaro Gómez Hurtado (MSN), and Horacio Serpa Uribe (Liberal Party). All other represented movements obtained at least one chair or vice-chair position of the CA

#### CODIFICATION COMMISSION

##### Mandate:

Compile the 400 drafted articles prepared by the Commissions and agree on in the first plenum debate into one proposal

##### Composition:

Lawyers from all political groups elected by the plenum

##### Technical support:

By the Colombian Instituto Caro y Cuervo

#### STYLE COMMISSION

Mandate: Grammatical revision

##### Tasks during the process phase:

- Technical support
- Preparation of bills for the legislative implementation of the constitution

## Structure

## PLENUM

**Mandate:**

Agree on each of the proposed articles drafted by the working commissions

**Decision-making:** Majority vote in two sessions

**Composition:**

70 elected participants, including  
 25 Liberal Party  
 19 M-19 Democratic Alliance  
 11 National Salvation Movement  
 5 Social Conservative Party  
 4 Independent Conservatives  
 2 Christian Union,  
 2 Patriotic Union  
 2 Indigenous Movement  
 as well as 4 appointed non-voting participants

## 5 PERMANENT COMMISSIONS

**Mandate:** Prepare comparative analysis of all input and draft non-binding proposals for plenum

**Composition:** Comprised only of elected CA members

1. Principles, rights, obligations, guarantees and fundamental liberties
2. Territorial regulation; regional and local autonomy
3. Reforms to the structure of the state, Congress, the police force, the state-of-emergency regime, and international relations
4. Administration of justice, principles of criminal law and due process, function of the Inspector General
5. Economic, social, ecological and fiscal issues; public services



70



Feb 5, 1991–Jul 4, 1991

## IMPLEMENTATION

**Promulgation of the new constitution by the CA on July 4, 1991**

- Establishment of the Comisión Especial (El Congresito), a special legislative body proportionally representing the parties to the CA to support the legislative implementation of the new constitution's provisions.
- Dissolution of Congress on July 5, 1991, and new elections on October 27, 1991
- Although traditional elites managed to stay in power and thus controlled the implementation of the constitution, the constitution managed to increase the political arena's formal inclusivity and provided a series of special rights and guarantees to ethnic minorities.

**Tasks during implementation:**

- Public promotion of the constitution, mainly vis-à-vis the legal community and government agencies
- Dissemination to a wider public only through short-term initiatives



Jul 4, 1991

# Ethiopia

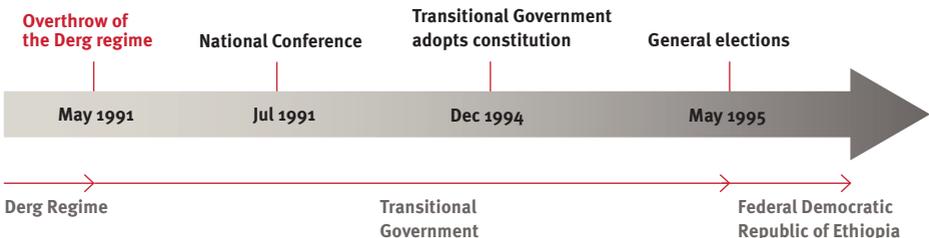
In an attempt to end the Ethiopian Civil War (1974–1991), the US invited the most powerful political armed movements, the Ethiopian People’s Revolutionary Democratic Front (EPRDF), the Eritrean People’s Liberation Front (EPLF), the Oromo Liberation Front (OLF) and the incumbent government to the London Conference on May 27, 1991. The meeting did not take place, since the EPRDF troops reached Addis Ababa in the night of May 28, overthrowing the Mengistu regime (Derg). On the same day, the leaders of the EPRDF, EPLF and OLF issued a joint statement to hold a follow-up conference no later than July 1, 1991.

The Convention of Nationalities for Peace and Democracy (National Conference) convened from July 1 to 5, 1991. It adopted the Transitional Period Charter which provided the legal framework for reconstructing the state and devolving state power along ethnic-regional lines (“Ethnic Federalism”), including provisions for a transitional government and guidelines for a new constitution. The Conference kicked off a four-year transition period in the country, which ended with general elections in May 1995.

Thus, the National Conference, the first in East Africa and one of the few that were initiated by non-state armed actors, was an important forum of central stakeholders to meet and to recognize fundamental challenges of a transition of the Ethiopian state, but fell short of addressing these challenges.

## Ethiopia's period of transition, May 1991–May 1995

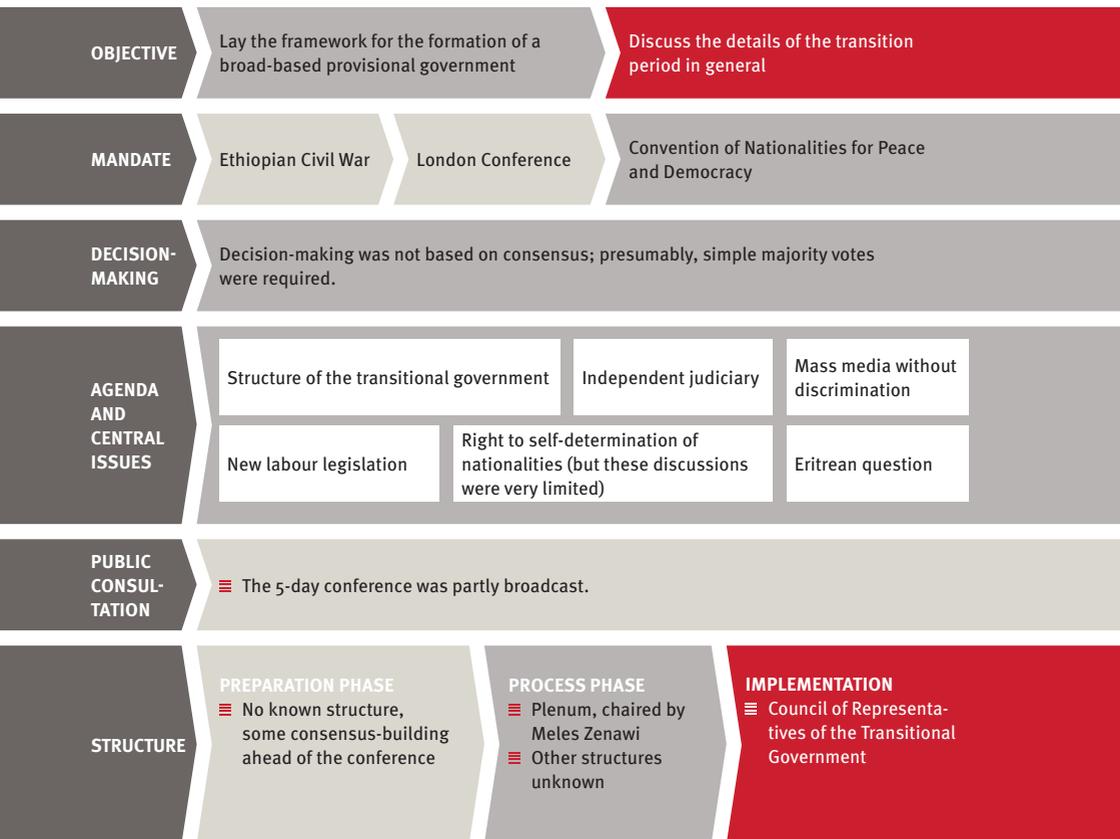
### London Conference



## Convention of Nationalities for Peace and Democracy (National Conference)

Duration	5 days (July 1–5, 1991)
Objective	To discuss the details of the transition period in general and the formation of a broad-based provisional government in particular.
Mandate	Following the overthrow of the Derg regime on May 28, 1991, the leaders of EPRDF, EPLF and OLF agreed to convene a follow-up conference in July.
Participation and selection criteria	<p>Around 500 delegates from 27 political movements (almost all of them ethnically/nationality based) and civil society participated in the Conference.</p> <p>A public announcement was made ahead of the Conference. Accounts of participant selection differ: While some state that all Ethiopian groups, except the Coalition of Ethiopian Democratic Forces (COEDF), were allowed to participate, others argue that the selection of delegates was haphazard and managed by the EPRDF.</p> <p>The EPLF was the only Eritrean organisation present, having observer status.</p>
Facilitation	Meles Zenawi, chairman of the Tigrayan People's Liberation Front (part of the EPRDF) chaired the Conference.
International support	Representatives of 15 entities, including the United States, the Organization of African Unity and the Soviet Union attended as observers.
Outcomes	The Conference adopted a Transitional Period Charter that laid down the legal framework for reconstructing the state and devolving state power along ethno-regional lines.
Challenges/ lessons learned	The National Conference was an inherently Ethiopian process, but failed to discuss the topics inclusively. The military victory allowed EPRDF and ONLF to dominate the conference and the transition process.

## Ethiopia Convention of Nationalities for Peace and Democracy (National Conference) 1991



## Process

## SIZE AND COMPOSITION

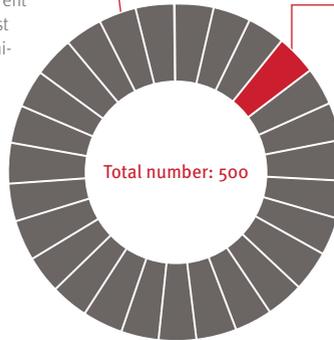
Movements that had not opposed the Derg regime were excluded from the conference.

**26**

Representatives of 26 different political movements, almost all of them nationality/ethnically based

Representatives of civil society, including from the Addis Ababa University

Political groups who had returned from exile



**1**

EPLF: only Eritrean organization present. Observer status.

## DISTINCTIVE FEATURES

**High local ownership.**

Despite some support by the US, the Conference was initiated and managed by the two main Ethiopian military/political actors.

**Comprehensive consensus-building measures.**

A comprehensive preparatory consensus-building process between the main military/political actors before the start of the Conference ensured a substantive first draft of the constitution ahead of the Conference.

**Process initiated by armed political movements.**

Being announced by the EPRDF, EPLF and OLF the day after they overthrew the Derg regime, the Convention of Nationalities for Peace and Democracy is one of the few processes initiated by a (victorious) coalition of political armed movements.

## Ethiopia Convention of Nationalities for Peace and Democracy (National Conference) 1991

Objective: Discuss the details of the transition period in general and the formation of a broad-based provisional government in particular

### PREPARATION PHASE

#### LONDON CONFERENCE:

**Mandate:**

- ≡ End of the Ethiopian Civil War (1974–1991)
- ≡ Convened by the US

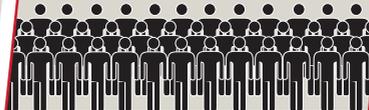
The conference eventually did not take place, since the political armed movements overthrew the Derg government the night after the conference had started.

On the sidelines of the conference, the leaders of EPRDF, EPLF and OLF agreed to convene a follow-up conference in July.

#### PRE-CONFERENCE CONSENSUS BUILDING:

In the period between the London Conference in May and the National Conference in July, the EPRDF, OLF and EPLF prepared the Transitional Period Charter.

Once the draft had been agreed upon, it was discussed with most (but not all) of the organizations that would take part in the conference.



May 27–Jul 1, 1991

## PROCESS PHASE

CONVENTION OF NATIONALITIES  
FOR PEACE AND DEMOCRACY**Mandate:**

Discuss the transition period, especially the formation of a transitional government

**Chair:** Meles Zenawi, chairman of the Tigrayan People's Liberation Front (part of the EPRDF)

**Composition:**

Around 500 representatives of 27 different political movements, civil society and political groups who had returned from exile. EPLF was the only Eritrean organization present (observer status). Movements that had not opposed the Derg regime were excluded from the Conference.



500

Jul 1–5, 1991

## IMPLEMENTATION

ESTABLISHMENT OF A COUNCIL  
OF REPRESENTATIVES OF THE  
TRANSITIONAL GOVERNMENT**Mandate:**

- ≡ Manage the two-year transition process leading up to national elections
- ≡ Select a new president
- ≡ Draft a new constitution

- ≡ Adoption of the **Transitional Period Charter** that laid down the legal framework for reconstructing the state and devolving the state power along ethno-regional lines (ethnic federalism).
- ≡ Meles Zenawi elected as transitional Head of State.
- ≡ Commitment to democratic rights, basic human rights and a foreign policy based on non-interference.
- ≡ Establishment of regional and local councils.
- ≡ Agreement on the **self-determination of nationalities** as principle of the constitution and right of the Eritrean people to hold an internationally supervised referendum in two years.



Jul 5, 1991

# Guatemala

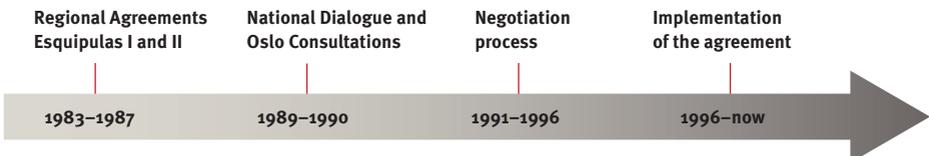
Against the backdrop of the Central American crisis in the 1980s, the governments of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua met to conclude the so-called Esquipulas I and II agreements. These declarations of political will at the highest level demanded regional security and economic cooperation as well as internal negotiation and dialogue within those countries experiencing conflict.

In September 1987, the government of Guatemala created a National Reconciliation Commission (CNR) to ensure the implementation of the Esquipulas II agreement. In October, the government engaged for the first time with the Guatemalan National Revolutionary Unity (URNG) in Madrid. However, the meeting was not successful, and in an effort to advance the stalled talks and fulfil this particular demand of the Esquipulas agreement, the CNR convened a Grand National Dialogue in 1989, which was left unfinished due to security reasons.

In a fresh attempt, the CNR and the URNG signed the Basic Agreement for the Search for Peace by Political Means, also known as the Oslo Agreement, in March 1990. It was based on the understanding that the nation's problems needed to be solved by political means, reconciliation, and the enhancement of a functional and participatory democracy. Subsequently, the CNR facilitated dialogue between the URNG and representatives from different sectors in the Oslo Consultations.

The process opened a space for public engagement and led to consensus on the necessity of holding formal peace talks and channelled political and social support from different national sectors, paving the way for a negotiated settlement. During the National Dialogue, Guatemalan civil society (especially the church) played an active role, thus integrating in the search for peace a part of society that had been side-lined and severely weakened in the decade-long civil war. This also set the tone for the subsequent negotiations that succeeded in ending the war.

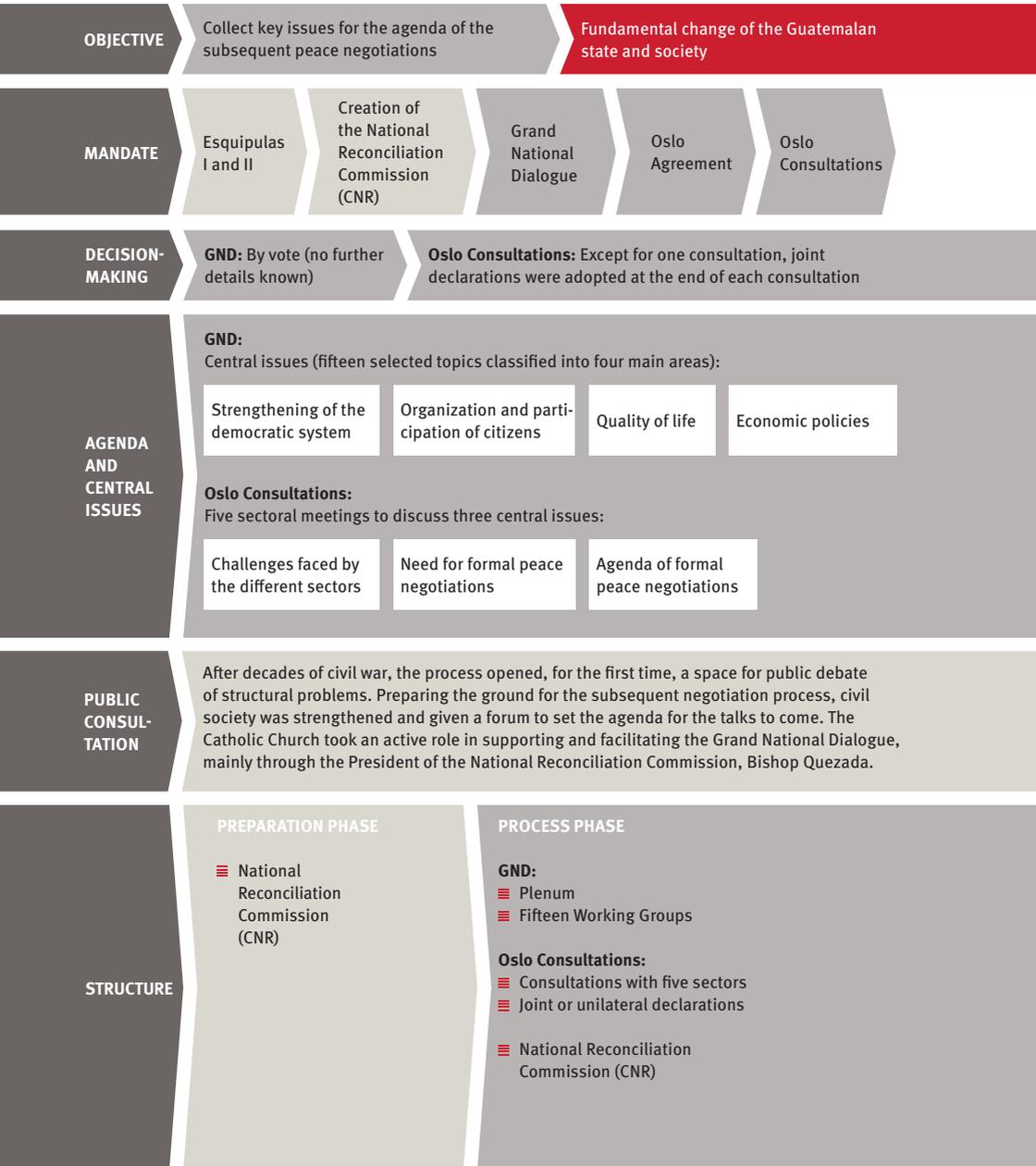
## The peace process in Guatemala – regional and national arrangements



## Grand National Dialogue and Oslo Consultations

Duration	<ul style="list-style-type: none"> <li>≡ <b>GND:</b> 9 months (February–October 1989)</li> <li>≡ <b>Oslo Consultations:</b> 8 months (March–October 1990)</li> </ul>
Objective	<ul style="list-style-type: none"> <li>≡ Foster support and agree on key issues and agenda points for the subsequent peace negotiations</li> <li>≡ Transform the Guatemalan nation by seeking solutions for national problems</li> </ul>
Mandate	<ul style="list-style-type: none"> <li>≡ <b>GND:</b> Derived from the regional agreement Esquipulas II</li> <li>≡ <b>Oslo Consultations:</b> ‘Basic Agreement for the Search for Peace by Political Means’, also known as Oslo Agreement (between the CNR and the rebel URNG)</li> </ul>
Participation and selection criteria	<ul style="list-style-type: none"> <li>≡ <b>GND:</b> 84 participants representing 47 organizations</li> <li>≡ <b>Oslo Consultations:</b> 5 sectors (political parties, business sector, churches, trade unions and academics, cooperatives etc.)</li> </ul>
Facilitation	<p>The National Reconciliation Commission was mandated by the Esquipulas II agreement to facilitate and sustain the peace-seeking activities, mainly through good offices and its chairman, Catholic bishop Monsignor Rodolfo Quezada Toruño.</p>
International support	<p>The process was not assisted by international stakeholders. During the Oslo Consultations, the UN was requested to take up the role of an observer and guarantor.</p>
Outcomes	<ul style="list-style-type: none"> <li>≡ <b>GND:</b> The GND did not finish due to security reasons, but succeeded in initiating discussions on the root causes of the conflict, opening up space for public engagement and paving the way for the Oslo Consultations.</li> <li>≡ <b>Oslo Consultations:</b> They created consensus on the necessity to hold formal peace negotiations and provided substantial thematic inputs, including             <ul style="list-style-type: none"> <li>≡ Agreement of El Escorial between ten political parties and the URNG</li> <li>≡ Unilateral declarations between the business sector and the URNG</li> <li>≡ Quito declaration between church representatives and the URNG</li> <li>≡ Metepec declaration between the trade union, the popular sector and the URNG</li> <li>≡ Atlixco declaration between academics, members of cooperatives, settlers and the URNG</li> </ul> </li> </ul>
Challenges/ lessons learned	<p>Not all sectors and key stakeholders were part of or played a constructive role in the process. Most notably, associations of large businesses and land owners, the military and several right-wing parties boycotted the GND. No women’s or Mayan organizations took part.</p>

# Guatemala Grand National Dialogue and Oslo Consultations 1989–1990

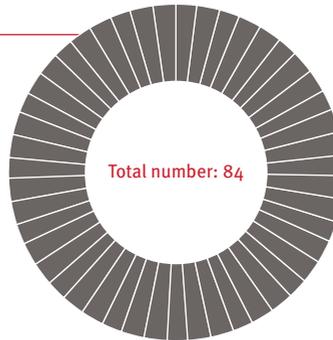


## Process

## SIZE AND COMPOSITION

## GND:

**47**  
Organisations, including government, political parties, media, churches, refugees, cooperatives, trade unions, human rights commission, students associations, and small business owners



**0**  
Notably absent were women's and aboriginal organisations, powerful business associations, some conservative parties, armed forces and the guerilla groups (main conflict actors). URNG was denied access unless they disarmed.

**Oslo Consultations:** The Oslo Consultations consisted of five meetings between the Guatemalan National Revolutionary Unity (URNG) and representatives from different sectors, including political parties, business sector, churches, trade unions, academics, cooperatives and settlers. The meetings were chaired by the National Reconciliation Commission. Size and composition of the meetings varied depending on the sectors.

## DISTINCTIVE FEATURES

**High level of national ownership.**

The GND and the Oslo Consultations were nationally led and only had a minimum external involvement, as the UN played the role of an observer during the Oslo Consultations.

**Inclusive space in an authoritarian system.**

The GND and the Oslo Consultations provided an open space to a reasonable range of actors to discuss root causes of the armed conflict and other key issues of national concern, something that was unthinkable before. Both events created a favourable basis for the negotiations that followed as the agenda items were strongly influenced by its discussions and outcomes.

**National Dialogue as a preparatory instrument.**

The Guatemalan experience with National Dialogue is particularly interesting as it took place to prepare the ground for a formal negotiation process (1991–1996) that resulted in the 'Agreement on a Firm and Lasting Peace'. Thus, the dialogue outcomes determined, to a certain extent, the negotiations and not the other way around.

## Guatemala Grand National Dialogue and Oslo Consultations 1989–1990

Objective: Collect key issues for the agenda of the subsequent peace negotiations and instigate fundamental change in the Guatemalan state and society

### PREPARATION PHASE

#### NATIONAL RECONCILIATION COMMISSION (CNR)

##### Tasks:

- ≡ Ensure the implementation of the Esquipulas II agreement
- ≡ Sustain and facilitate the peace-seeking activities
- ≡ Maintain good offices
- ≡ Chair the Plenum and the Oslo Consultations

**Chair:** Rodolfo Quezada Toruño

##### Composition:

2 government delegates, including the vice-president; 2 representatives of the eleven legal political parties, including future president Jorge Serrano; 2 prominent citizens; and Bishop Rodolfo Quezada Toruño from the Guatemalan Bishops' Conference.

7



Sep, 1987

### PROCESS PHASE

#### GRAND NATIONAL DIALOGUE

##### PLENUM

##### Mandate:

- ≡ Establish working commissions in an opening plenary session
- ≡ A closing plenary session was anticipated, but could not convene due to security concerns

**Chair:** Bishop Rodolfo Quezada Toruño

**Decision-making:** by vote

##### Composition

84 representatives from 47 organisations, including government, political parties, media, churches, refugees, cooperatives, trade unions, human rights commission, students associations, and small business owners

staff

##### PRIVATE MEETINGS

Between CNR Chairman Toruño and influential figures to mitigate security concerns

staff

submit written proposals

##### 15 WORKING COMMISSIONS

**Mandate:** Discuss 15 selected topics from the four main areas:

- ≡ Strengthening of the democratic system
- ≡ Organization and participation of citizens
- ≡ Quality of life
- ≡ Economic policies

84



Feb–Oct, 1989

## Structure

## OSLO CONSULTATIONS

**Mandate:**

- ≡ Discuss the challenges faced by the different societal sectors
- ≡ Discuss need for formal peace negotiations and the content of its agenda

**Chaired by the CNR****Decision-making:**

- ≡ Adoption of joint declarations after each meeting (except for one)

**Composition:**

5 meetings brought together the URNG with representatives from different sectors, among them political parties, the business sector, the church, trade unions, academics, cooperatives, settlers etc.



5

Mar–Oct, 1990

## IMPLEMENTATION

**GND**

The GND did not finish due to security reasons.

**Main achievements:**

- ≡ Discussion of root causes of the conflict
- ≡ Opened a space for public engagement
- ≡ Paved the way for the Oslo Consultations

**OSLO CONSULTATIONS**

- ≡ Achieved consensus on the necessity to hold formal peace negotiations
- ≡ Substantial thematic inputs on the content of the agenda that informed the peace negotiation process

**The 5 Oslo Consultation meetings resulted in the following agreements:**

- ≡ Agreement of El Escorial: consultation between ten political parties and the URNG (Spain, June 1, 1990)
- ≡ Unilateral declarations: consultation between the business sector and the URNG (Canada, September 1, 1990)
- ≡ Quito declaration: consultation between church representatives and the URNG (Ecuador, September 26, 1990)
- ≡ Metepec declaration: consultation between the trade union, the popular sector and the URNG (Mexico, October 25, 1990)
- ≡ Atlitxco declaration: consultation between academics, members of cooperatives, settlers and the URNG (Mexico, October 28, 1990)



Oct, 1990

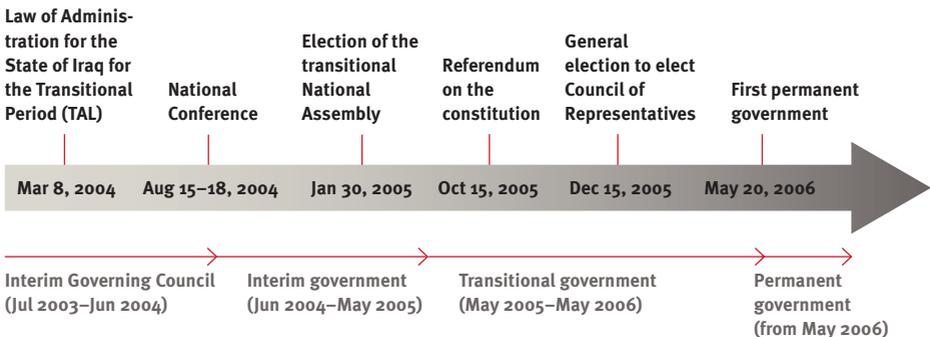
# Iraq

The Iraqi National Conference was part of the transitional framework installed after the US-led invasion of Iraq by the US-appointed Iraqi Governing Council (IGC) and the Coalition Provisional Authority (CPA). The National Conference was mandated by the Law of Administration for the State of Iraq for the Transitional Period (TAL), which was contested by a number of actors and did not represent a wide political agreement.

The National Conference was mandated to establish the Interim National Council, a non-legislative oversight body of the Interim Government with a limited mandate. Another objective was to initiate a National Dialogue process and create national consensus. While the first objective was more intended as crisis management, the latter was geared towards fundamental change.

While the Conference succeeded in establishing a National Council, it neither expanded political participation in the National Council, nor did it create national consensus, owing to a lack of public awareness, and a lack of political agreement on the TAL, directly resulting in the exclusion of key national stakeholders. This led to a political marginalization of the National Conference, rendering it effectively meaningless.

## The Iraqi Constitutional Process, March 2004–May 2006



## National Conference

Duration	4 days (August 15–18, 2004)
Objective	To establish the Interim National Council as an oversight body to the Interim Government, and to create national consensus.
Mandate	Mandated by the Transitional Administrative Law (TAL) by the US-appointed Iraqi Governing Council (IGC) following the US invasion of Iraq.
Participation and selection criteria	<p>1,200 – 1,500 delegates. Participants included representatives from Iraq's political parties, regions, women's groups and other civil society organizations, universities, as well as Iraq's main tribes, ethnic groups and religious sects, including Sunnis, Shiites, Kurds, and Christians.</p> <p>About half the participants were selected by the Provincial Supervisory Committees. In each of Iraq's 18 regions, the committees reviewed applications and nominations and submitted delegates' names to the High Preparatory Commission (HPC). The provincial preparatory selection process was often criticized as flawed. Other delegates were directly nominated by members of the HPC. In the final stages of planning, UN representatives assisting the Iraqis further requested to expand the number of participants beyond the originally scheduled 1,000 delegates in order to better represent minorities and other underrepresented groups.</p>
Facilitation	Fuad Massum chaired the High Preparatory Commission and subsequently the National Conference plenum.
International support	Strong involvement by international parties. US representatives were attending as observers and US officials helped with security, accommodations, and logistics of the National Conference. The US gave the entire process a strong directive impulse by appointing the members of the Iraqi Governing Council (IGC) which subsequently shaped and dominated the entire process (through TAL, HPC and the selection of participants of the National Conference). The United Nations provided assistance during the planning and process phase.
Outcomes	The Conference established the Interim National Council, a body acting from August 2004 to January 2005 to oversee the Iraqi Interim Government. It was widely perceived as a cosmetic act to legitimize pre-existing transitional arrangements.
Challenges/ lessons learned	<ul style="list-style-type: none"> <li>≡ The whole process suffered from a lack of ownership, inclusiveness and legitimacy, and was to a large extent elite-driven (and to some extent perceived as foreign-driven).</li> <li>≡ A lack of agreement on key principles in the preparation phase (deep disagreement on the presence of foreign troops and the appointment of the Interim Government) eventually resulted in the Conference's failure to build national consensus.</li> </ul>

## Iraqi National Conference 2004

### OBJECTIVE

Establish the Interim National Council as an oversight body to the Interim Government

Create national consensus after the US-led invasion of Iraq and the toppling of the regime of Saddam Hussein.

### MANDATE

US-appointed Iraqi Governing Council (IGC)

Transitional Administrative Law (TAL)

National Conference to establish Interim National Council (body to oversee Interim Government)

### DECISION-MAKING

The decision-making on the Interim National Council was initially intended as a closed-list system in which the winning of two competitive lists would take all seats in the Council. The election was to take place on the last day of the Conference. Eventually, however, only one list (whose composition was intransparent) was put forward, and it was decided upon by a simple majority vote.

### AGENDA AND CENTRAL ISSUES

By the middle of August, the conference chair and the HPC decided on an agenda containing the following themes:

Security

Reconstruction efforts

Human rights and transitional justice

Political process

### PUBLIC CONSULTATION

- ≡ Little consultation with the public took place ahead of or during the Conference.
- ≡ Initial public information throughout the preparatory process consisted of posters and TV spots which merely announced that a national conference was scheduled for the end of July. After the Conference was postponed for two weeks on July 29 by the chair following UN recommendations, the UN funded a public information campaign that included daily reports in newspapers and roundtable discussions.
- ≡ Due to the lack of public information, civil society and opposition groups had little information and few possibilities to participate in the process. Mandate and agenda of the conference were hardly publicly discussed at all, and at the end of the Conference, opposition groups and civil society felt disenfranchised.

### STRUCTURE

#### PREPARATION PHASE

- ≡ High Preparatory Commission (HPC)
- ≡ 18 Provincial Supervisory Committees
- ≡ 18 Provincial Meetings

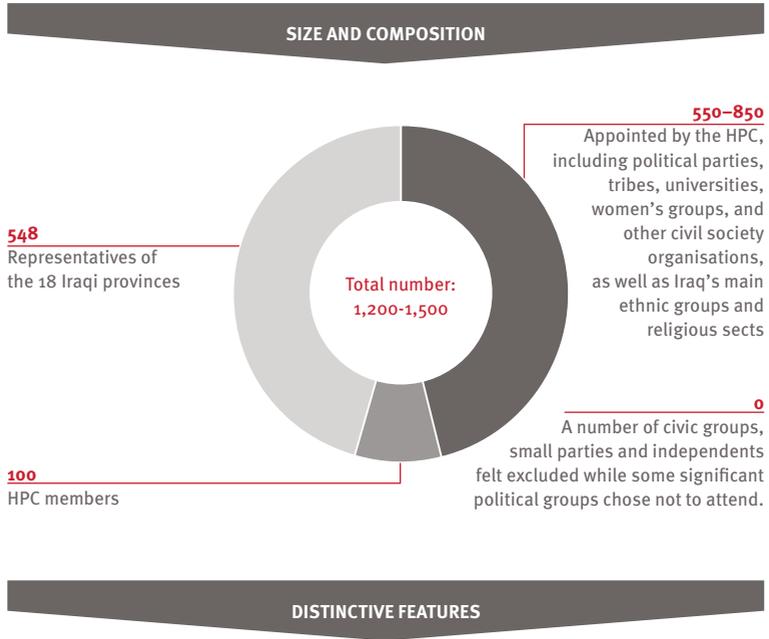
#### PROCESS PHASE

- ≡ Plenum
- ≡ 4 Working Groups

#### IMPLEMENTATION

- ≡ Interim National Council

## Process

**Lack of public awareness.**

The HPC had no press office and initial public information was restricted to posters and broadcasts announcing the National Conference. Only after a two-week postponement of the conference was a serious effort undertaken to inform and educate the public. Still, essential elements were never publicly discussed, and great parts of the Iraqi society felt uninformed throughout the process.

**Lack of transparency.**

Neither the conference preparation, the selection of participants, public information, or decision-making during the Conference was sufficiently transparent to create credibility of the Conference.

**Strongly perceived as driven by elites and foreign interests.**

According to Marina Ottaway from the Carnegie Endowment for International Peace, "this is not a process in which the Iraqi population as a whole is participating. It's a small group of handpicked people coming together to pick a smaller group of handpicked people". The US further strongly directed the process by appointing the members of the Iraqi Governing Council (IGC) which subsequently shaped and dominated the entire process.

## Iraqi National Conference 2004

Objective: Establish the National Council and initiate a national dialogue process (not mandated to discuss the transitional framework)

### PREPARATION PHASE

#### HIGH PREPARATORY COMMISSION (HPC)

**Mandate:**

Decide on composition, agenda and Rules of Procedure

**Chair:** Fuad Massum

**Composition:**

100 members appointed by the interim government (no clear public criteria); dominated by main political parties participating in the interim government

#### 18 PROVINCIAL SUPERVISORY COMMITTEES

HPC appointed bodies in each of Iraq's 18 provinces

**Mandate:**

Select participants of the provincial meetings

**Composition of each committee:**

7 members, including 3 HPC members (one from the province), 2 senior judges, 2 members of the provincial council; chaired by the most senior judge

#### 18 PROVINCIAL MEETINGS

**Mandate:**

Elect the province's delegates to the Conference

**Composition:**

20 times the number of people to be elected, people interested in participation applied

The committees had only three to four days to inform the public, receive applications, deliberate and choose participants; no support staff and no clear instructions by HPC for selection. Hence, some provincial meetings were heavily contested.



100



18



1,200-1,500



Mar 8–Aug 14, 2004

## Structure

## PROCESS PHASE

## PLENUM

**Mandate:**

Elect 81 of the 100 members of the Interim National Council (remaining 19 members were former Governing Council members who were not given positions in the interim government)

**Chair:** Fuad Massum (former HPC chair)

**Decision-making on the Interim National Council:**

A list of names was put forward (whose composition was intransparent) and decided upon by simple majority vote.

**Composition:**

1,200–1,500 participants;  
548 participants selected through provincial, caucus-like process designed by the HPC; remainder appointed by the HPC; HPC members automatically got seats

## 4 WORKING GROUPS

**Mandate:** Discuss drafts and issues recommendations

Security

Reconstruction efforts

Human rights and transitional justice

Political process



Aug 15–18, 2004

## IMPLEMENTATION

## INTERIM NATIONAL COUNCIL

**Mandate:** Oversee the work of the interim government until the parliamentary elections

**President:** Fuad Massum

**Composition:** 100 members; 81 elected, and 19 previously selected from the Governing Council

The Conference failed to create consensus on the transitional process.



100



Sep 1, 2004

# Jordan

Inspired by the protests in Tunisia, Egypt and other Arab countries, Jordanians took to the streets in early 2011 demanding political reforms such as the dissolution of the parliament, a new election law which guarantees a fairer representation of the different parts of society or the return to the constitution of 1952, in which the power of the king was much more limited. Besides new youth movements such as the HIRAK movement, Jordan experienced the emergence of different forms of protest such as sit-ins, new online and offline forums, and student campaigns.

In response to the diversity of protests, King Abdullah II commissioned the National Dialogue Committee (NDC) to develop recommendations for political reforms in Jordan and to reach political consensus in order to avoid a political conflict similar to those in Libya, Egypt and Syria.

The immediate outcomes were a draft for a new electoral law, a party law as well as a report with recommendations for related legislation.

One of the key challenges of the process was the political fatigue of the Jordanian public who had already experienced several dialogue formats. The unwillingness of decision-makers to implement the NDC's recommendations harmed the sustainability and credibility of the process. The key lesson learned from the Jordanian experience is that dialogue formats that are designed to have only an advisory role and no decision-making powers may increase political frustration and disillusion.

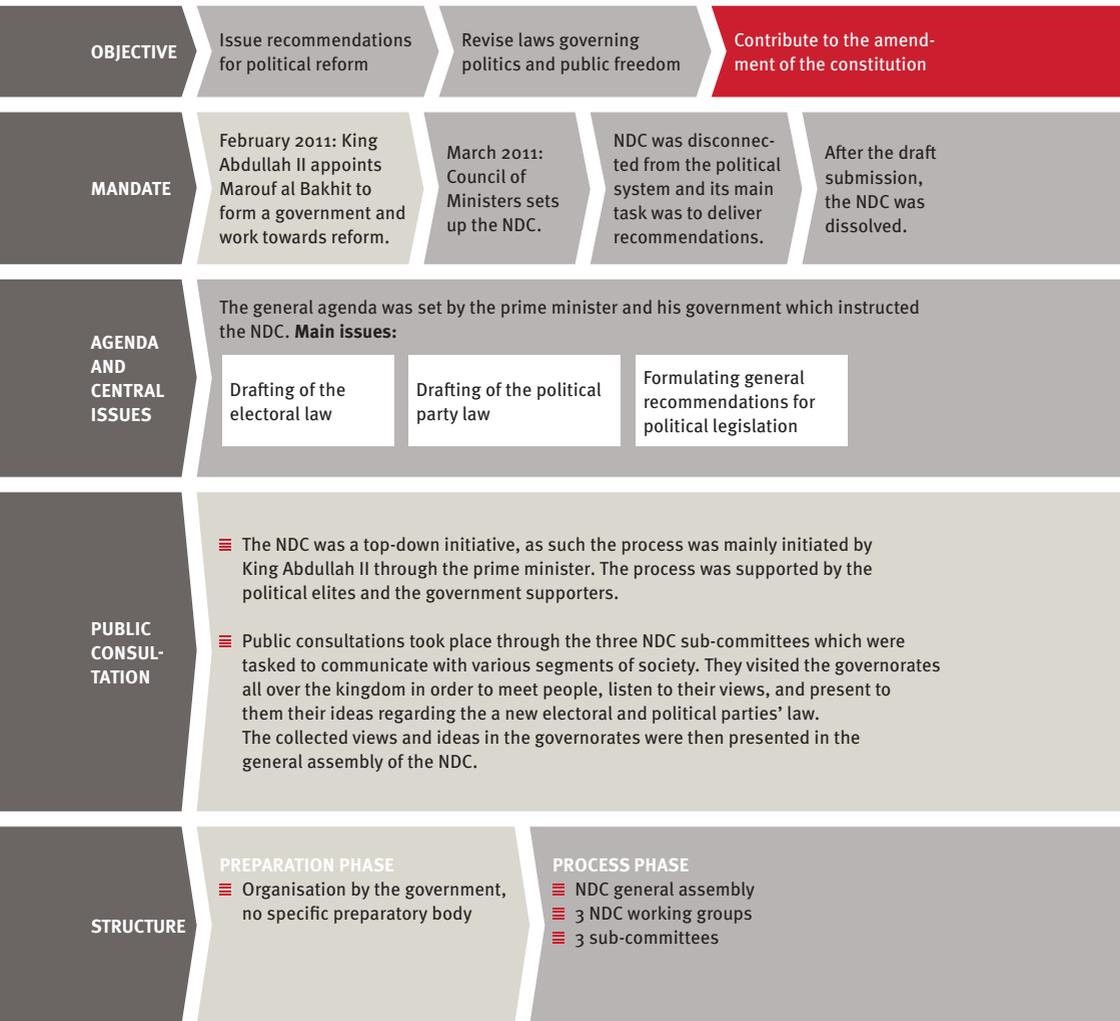
## Development of the National Dialogue Committee (NDC)



## National Dialogue Committee

Duration	3 months (March 14, 2011–June 5, 2011)
Objective	To develop recommendations for political reforms in Jordan.
Mandate	Mandated by the king who called for an immediate revision of laws governing politics and public freedoms. The Committee was instructed to revise the much criticized political parties and electoral law as well as to formulate general recommendations for related legislations.
Participation and selection criteria	52 people participated in total. There were no quotas defined to ensure fair representation of women, youth and minorities. Out of 52 delegates, only four women were present. Political groups were also disproportionately represented. The Islamic Action Front (IAF), the largest opposition party, was asked to send in the same number of delegates as other smaller parties. The Committee was criticized for a lack of transparency in its selection criteria and for failing to involve prominent Jordanian figures.
Facilitation	The process was chaired by Taher al-Masri, then president of the Senate.
International support	The process did not receive prominent support from international actors. However, UNDP contributed to the NDC through expertise on different electoral systems as well as technical and logistical support in case of a deadlock. EU and US supported the implementation of the outcomes indirectly by providing Jordan with financial aid.
Outcomes	<ul style="list-style-type: none"> <li>≡ The immediate outcome of the NDC was a draft electoral law and political party law as well as a report with recommendations for related legislation.</li> <li>≡ An indirect outcome was the NDC's contribution to the amendments of the constitution after 16 members demanded the establishment of a Royal Commission for Reviewing the Constitution.</li> </ul>
Challenges/ lessons learned	One of the main challenges of the process was the political fatigue prevalent in the Jordanian society. Another significant challenge was the lack of implementation of the outcomes such as the large-scale electoral reform proposed by the participants. The key lessons learned from the NDC is that dialogue formats that are designed to have only an advisory role and no decision-making powers may increase political frustration; clear implementation mechanisms enhance the credibility of such processes.

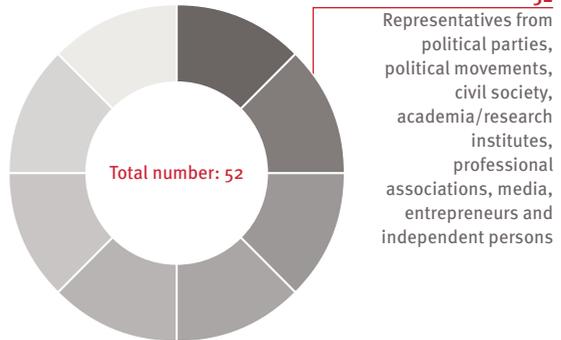
## Jordan National Dialogue Committee 2011



## Process

### SIZE AND COMPOSITION

No transparent criteria for participation. The selection of participants was mainly done by the government, the members were more or less handpicked by the then prime minister. The number of delegates was not indicative of their representation in society.



### DISTINCTIVE FEATURES

#### The NDC remained an elitist process.

The design and structure of the National Dialogue Committee process allowed for a reasonable range of political actors and other elements of society to have some form of political debate and input in the legislation. The process was owned and driven by the king and the appointed government. In the public perception, the NDC remained an elitist process not owned by the people of Jordan.

#### The process increased political frustration.

The NDC's design to have only an advisory role and no decision-making powers eventually increased the population's political frustration and disillusion.

#### Restrained international support.

International actors played a minor role in the process. UNDP assisted with the preparation phase by providing technical and logistical support in case of deadlock. Further, UNDP Jordan in close cooperation with UNDP Cairo office organized a two-day meeting at the Dead Sea with the aim of providing the NDC with international expertise on different electoral systems. The EU and US supported Jordan with financial aid in its implementation phase. In particular, UNDP support was perceived as productive and constructive.

## Jordan National Dialogue Committee 2011

Objective: Develop recommendations for political reform in Jordan

### PREPARATION PHASE

- ≡ No preparatory body
- ≡ Organisation of the Dialogue by the government
- ≡ Participants selected and their participation negotiated
- ≡ Agenda set by king and government
- ≡ Selection criteria not transparent



1



### PROCESS PHASE

feed broader society's ideas into the process

#### 3 NDC SUB-COMMITTEES

Tasks: Communicating with various segments of society

- ≡ Keep society informed
- ≡ Gather ideas and views

10



Mar 14–Jun 05, 2011

### GENERAL ASSEMBLY

#### Mandate:

- ≡ Propose recommendations for electoral law and party law
- ≡ Develop general recommendations for related legislation

**Chair:** Senate President Taher Al-Masri

#### Composition

52 delegates

- No clear participation criteria; participants were hand-picked by the king and government
- Met every second week to deliberate on the drafting process

staff

### 3 WORKING GROUPS

#### Mandate:

Drafting electoral law, party law and formulation of general recommendation for political legislation

#### Composition:

Political party members, political movements, civil society, academia, professional associations, media, entrepreneurs, independent people



52



## IMPLEMENTATION

- ≡ Draft Electoral Law
- ≡ Political Party Law
- ≡ Report with recommendations for related legislation

The electoral law was not endorsed by the government. Ratification by parliament only after the government had made substantial changes to the mixed electoral system. The ratified electoral law fell far short of the reformers' expectations.



Jun 05, 2011

# Kenya

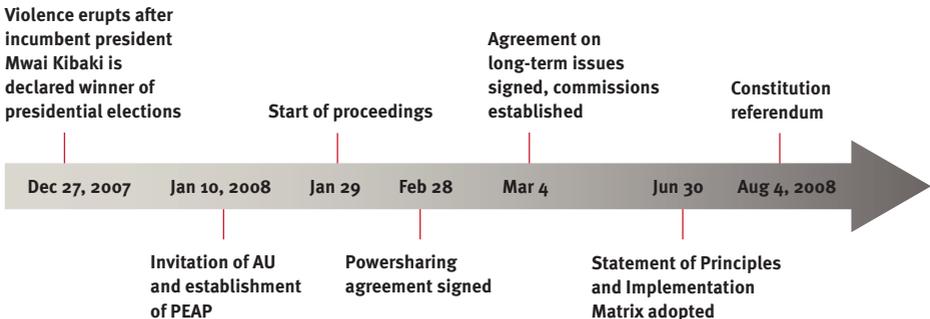
The contested presidential elections of December 27, 2007 incited political violence in Kenya that quickly escalated into a national political, humanitarian and economic crisis. Upon President Mwai Kibaki's invitation (or rather international concern, according to some sources), African Union chairman and President of Ghana John Agyekum Kufuor travelled to Kenya in January 2008. He subsequently mandated a Panel of Eminent African Personalities (PEAP) following an agreement between President Kibaki and opposition leader Raila Odinga.

The Kenyan National Dialogue and Reconciliation Process (KNDR) brought together the ruling party and the opposition party to address four fundamental objectives: take immediate measures to stop violent clashes and restore fundamental rights and liberties; address the humanitarian crisis and promote reconciliation; overcome the current political crisis; significant progress on long-term issues such as constitutional, legal and institutional reform.

The KNDR was initially a mechanism for conflict management, and later turned into a mechanism for long-term change. The immediate outcome of the process was the signing of a power-sharing agreement that would establish a coalition government and the office of the prime minister.

A distinctive feature was the selection of a high-profile mediator, Kofi Annan, who also represented the unified stance of the AU. The creation of mutually acceptable mechanisms to investigate the post-election violence and the electoral system were key to paving the path to political agreement.

## Kenya National Dialogue and Reconciliation Process



## Kenya National Dialogue and Reconciliation

Duration	5 months (January 29, 2008–June 30, 2008)
Objective	To achieve sustainable peace, stability and justice in Kenya, through the rule of law and respect for human rights.
Mandate	Upon the invitation of President Kibaki, AU chairman President Kufuor travelled to Kenya and mandated the AU Panel of Eminent African Personalities. It was chaired by Kofi Annan with Graça Machel of Mozambique and Benjamin Mkapa, former president of Tanzania, as additional members.
Participation and selection criteria	The negotiation teams (four persons each) were selected by the party leaderships. The government/Party of National Unity (PNU) was represented by Martha Karua, Sam Onger, Mutula Kilonzo and Moses Wetang'ula. The opposition/Orange Democratic Movement (ODM) was represented by Musalia Mudavadi, William Ruto, Sally Kosgei and James Orengo. Liaison officers Gichira Kibara (PNU) and Caroli Omondi (ODM) attended sessions to take notes (but not to speak or otherwise participate).
Facilitation	The mediation process was led and facilitated by the Panel of Eminent African Personalities under the leadership of Kofi Annan.
International support	The International Community strongly supported the KNDR. The AU was the main actor behind the PEAP. The UN, including DPA, UNDP and the UN Office in Nairobi, also played an important role, and were supported by the Swiss non-profit Centre for Humanitarian Dialogue. Other supporters included the EU, Switzerland, the UK, Australia, Canada, France, Germany and the US.
Outcomes	President Kibaki and opposition leader Odinga signed a power-sharing agreement one month after the start of the negotiations. It established the coalition government and the office of the prime minister and was subsequently entrenched in the constitution. By June 30, 2008, the parties agreed on the establishment of an Independent Review Committee (IREC), a Commission of Inquiry into Post-Election Violence (CIPEV), and a Truth, Justice and Reconciliation Commission (TJRC), as well as a comprehensive Constitutional Review Process.
Challenges/ lessons learned	Tensions broke out at the very beginning of the dialogue over the name of the process, with the ODM insisting in calling it an “international mediation effort”, or at least including the term “mediation”, while the PNU vouched for “national dialogue”, thus downplaying international involvement. Eventually, Annan decided in favour of the government side to call the process “National Dialogue and Reconciliation”, thus keeping the PNU engaged, but also highlighting the parties’ ownership of the process. The process was top-down and firmly in the control of the two party leaders, who were themselves not part of the negotiating teams. Systematic consultations with civil society provided a voice for the people throughout the process and implementation phases.

## Kenya National Dialogue and Reconciliation 2008

### OBJECTIVE

Achieve sustainable peace, stability and justice

Reformed rule of law and respect for human rights

### MANDATE

President Kibaki invites AU chairman President of Ghana John Agyekum Kufuor

Kufuor mandates the Panel of Eminent African Personalities (PEAP) to mediate

Negotiation teams of each four persons selected by both parties

### DECISION-MAKING

Decisions were based on full consensus. The principals negotiated directly to break deadlocks.

### AGENDA AND CENTRAL ISSUES

- ≡ Take immediate measures to stop violent clashes and restore fundamental rights and liberties.
- ≡ Address the humanitarian crisis and promote reconciliation, healing and restoration.
- ≡ Overcome the political crisis.
- ≡ Long-term issues: Effectively address poverty, inequality, and unemployment (especially among youth), as well as to confront impunity, tackle land reform and consolidate national cohesion and transparency.

### PUBLIC CONSULTATION

- ≡ The Panel adopted a communication strategy aimed at ensuring transparency and instilling public confidence in the process.
- ≡ Regular consultations with different sectors of Kenyan civil society were held. These included women's groups, the business community, religious groups and peace activists.
- ≡ All agreements were made public immediately. A website was created where all the KNDR agreements were posted.
- ≡ A spokesperson was charged with communicating these decisions to the media, thus actively involving the media in the process.

### STRUCTURE

#### PREPARATION PHASE

- ≡ Panel of Eminent African Personalities (PEAP)

#### PROCESS PHASE

- ≡ Negotiating teams
- ≡ PEAP
- ≡ Secretariat

#### IMPLEMENTATION

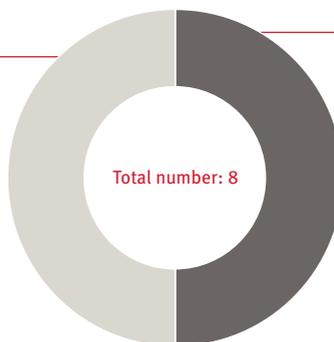
- ≡ PEAP
- ≡ Coordination and Liaison Office (CLO)

## Process

## SIZE AND COMPOSITION

## Negotiating Teams

**4**  
Government/Party of National Unity (PNU)  
Minister of Justice and Constitutional Affairs Martha Karua,  
Minister of Education Sam Ongeru,  
MP Mutula Kilonzo,  
and Minister for Foreign Affairs Moses Wetang'ula.



**4**  
Opposition/Orange Democratic Movement (ODM):  
Musalia Mudavadi,  
William Ruto,  
Sally Kosgei, and James Orengo.

**2**  
Liaison officers  
Gichira Kibara (PNU) and  
Caroli Omondi (ODM)  
(took notes but did not participate)

Mwai Kibaki (PNU) and Rail Odinga (ODM) were assisted by each 20 delegates, which included their negotiating teams.

## DISTINCTIVE FEATURES

**High level of ownership.**

The design and structure of the KNDR process dealt with short-term issues (ending violence) within the first four weeks and long-term issues (reform and reconciliation) within one year. The framework of the process allowed for a high level of ownership. Annan, as the chair of the Panel, ensured the parties had ownership of the process and also kept the focus of the talks and directed them forward.

**Top-down power structure.**

Although not part of the negotiating teams, the two principals Kibaki and Odinga held the most power over the process. They were assisted by a delegation of 20, including their negotiating teams.

**Strong and coordinated international support.**

Apart from the AU, other actors also played a crucial and constructive role during the Kenyan peace process. The UN Secretary-General himself visited the country on February 1, 2008, to show his unconditional support for the work of Kofi Annan and the mediating team, and made it clear that the UN was ready to increase its support for the process as needed. The US also showed support for the process and issued a statement on the need for an 'external solution'. The AU, UN, EU, US and other parties spoke with one voice during the process, maximising the effectiveness of their support.

## Kenya National Dialogue and Reconciliation 2008

Objective: Bring about a political resolution in order to end the violence and start a dialogue to address long-term issues and structural problems

### PREPARATION PHASE

#### PANEL OF EMINENT AFRICAN PERSONALITIES

**Mandate:**

To prepare the process and set the agenda. The mandate was given by AU, PNU and ODM.

**Agenda items:**

1. Immediate measures to stop violent clashes
2. Addressing the humanitarian crisis and promoting reconciliation and healing
3. Resolution of the political crisis
4. Long-term issues and solutions

### PROCESS PHASE

support

#### SECRETARIAT

**Tasks:**

- ≡ Prepare, reproduce and distribute documents
- ≡ Keep summary records of the deliberations
- ≡ Manage finances
- ≡ Responsible for the custody and preservation of the documents
- ≡ Generally perform all other work that the session chair and co-chair may require in fulfilment of his/her duties.



3



Jan 10, 2008

## PANEL OF EMINENT AFRICAN PERSONALITIES

**Mandate:**

To chair the meetings and facilitate the process

**Composition:**

Kofi Annan, Benjamin Mkapa, Graça Machel

facilitate

## NEGOTIATING TEAMS

**Mandate:**

- ≡ Finding solution to crisis
- ≡ Short-term issues
- ≡ Long-term issues

**Chair:** Kofi Annan and PEAP

**Composition:**

4 PNU negotiators, 4 ODM negotiators

**Procedure:**

- ≡ Regular daily meetings for 41 days
- ≡ Decision-making based on full consensus



8



Jan 29–Jun 30, 2008

## IMPLEMENTATION

## PANEL OF EMINENT AFRICAN PERSONALITIES

**Mandate:**

Support and monitor implementation  
The private firm South Consulting also monitored implementation.

**February**

- ≡ Power-sharing Agreement

**March**

- ≡ Independent Review Committee (IREC)
- ≡ Commission of Inquiry into Post-Election Violence (CIPEV)
- ≡ Truth, Justice and Reconciliation Commission (TJRC)
- ≡ Constitutional Review Process

**June**

- ≡ Statement of Principles and an Implementation Matrix
- ≡ August: Promulgation of constitution and referendum

## COORDINATION AND LIAISON OFFICE (CLO)

**Tasks:**

To assist in the implementation of the agreements reached by the National Dialogue and to support the Coalition Government as it seeks to address the root causes of the 2007 post-election crisis.



Jun 30, 2008

# Lebanon

Serving as a critical platform of exchange outside of Parliament and the Council of Ministers, National Dialogues are and have long been part of Lebanon's political and social culture. As early as 1975, a National Dialogue Committee was established, aiming to solve the political crisis; two subsequent National Dialogue Conferences convened in the early 1980s; in 2006, a new series of National Dialogue sessions was launched to overcome the political impasse. The National Dialogue that convened from 2008 to 2014 was agreed upon against the backdrop of increasing violence that threatened the stability of the country.

Growing polarization within Lebanese society and a longstanding political crisis escalated into an armed confrontation between political factions in 2008. As the fighting intensified, the Emir of Qatar, Sheikh Hamad bin Khalifa Al Thani, invited all Lebanese parties to a 6-day National Dialogue Conference in Doha, where they eventually reached a settlement on May 21, 2008. The Doha agreement ended the 18-month long political crisis in Lebanon and led to the election of Michel Sleiman as president of the Republic. In addition, an election system and the holding of a National Dialogue were agreed upon to eventually re-establish state authority over all of Lebanon, restore relationships between various groups and ensure security of state and citizens.

Under the chairmanship of the elected president Sleiman, the Lebanese National Dialogue started in September 2008 as an open-ended process. The process led to a series of joint statements and declarations as well as an ongoing discussion on a National Defence Strategy. Against the backdrop of the deep divisions between the key political actors in Lebanon, the National Dialogue aimed at building consensus on key issues of national interest and serving as a conflict prevention mechanism. In 2015, one and a half years after the end of Sleiman's presidency in May 2014, speaker of parliament Nabih Berri initiated new dialogue talks, referring to them as the only way to overcome crises facing Lebanon.

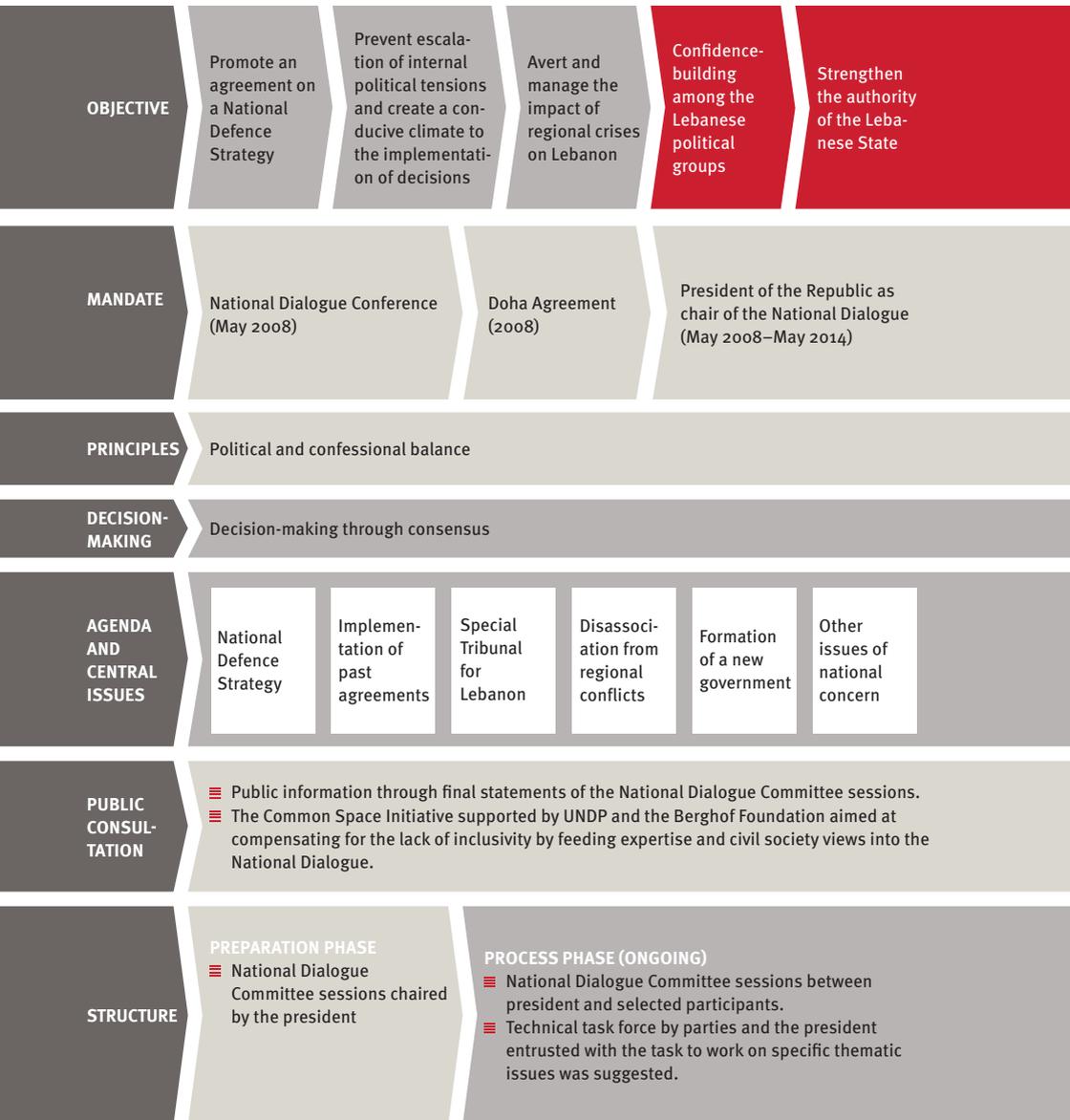
## The Lebanese post-Doha National Dialogue, 2008–2014



## Lebanese National Dialogue (2008–2014)

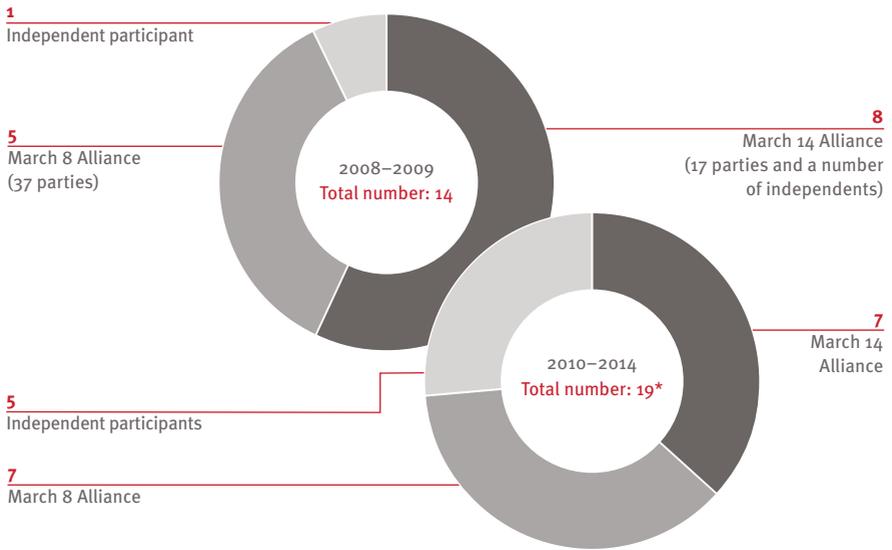
Duration	6 years (September 2008–May 2014)
Objective	<ul style="list-style-type: none"> <li>≡ Promote Lebanese state authority over territory and ensure the state’s and the citizens’ security.</li> <li>≡ Agree on a National Defence Strategy.</li> <li>≡ Boost confidence among the Lebanese population and political groups.</li> </ul>
Mandate	Mandated by the Doha Agreement in 2008.
Participation and selection criteria	<p>The selection of participants followed formal and informal rules: The prime minister and the speaker of parliament were invited, plus all political groups which have substantial representation in parliament (i.e. more than 4 seats). The selection of delegates was based on considerations of political, regional and sectarian representatives, in addition to rounds of consultations with the main parties. The selected representatives were in most cases the leaders of the parties or high-level representatives. All participants were men, with no civil society representation.</p>
Facilitation	President Michel Sleiman acted as chairman and facilitator with the support of the National Dialogue Steering Committee.
International support	<p>Qatar and the Arab League provided international support by initiating the Doha meeting.</p> <p>UNDP and Berghof Foundation supported the Presidency and the National Dialogue Steering Committee from 2008 to 2010 and helped to set up the Common Space Initiative which provided support from 2010 to date.</p>
Outcomes	<ul style="list-style-type: none"> <li>≡ Discussion of National Defence Strategy proposal (no joint position reached).</li> <li>≡ Joint statement on elections and Israel/Palestine conflict.</li> <li>≡ Code of honour to ensure restraint in political and media discourse.</li> <li>≡ Joint declarations, such the “Baabda declaration” (2012) on a disassociation policy from the civil war in Syria.</li> </ul>
Challenges/ lessons learned	<ul style="list-style-type: none"> <li>≡ Keeping the parties engaged, rather than having talks for the sake of talks.</li> <li>≡ External influences of regional crises (e.g. Syrian war) and international actors.</li> </ul>

## Lebanese National Dialogue, 2008–2014



## Process

## SIZE AND COMPOSITION



\* From June 2012 with the new Prime Minister Najib Mikati instead of ex-Prime Minister Saad Hariri. Lebanese Forces leader Samir Geagea boycotted this and the subsequent rounds in protest of the unsolved question of Hizbullah's arms. Later in 2012, the March 14 Alliance announced collective absence from the Dialogue. In March 2014, some March 8 parties, including Hizbullah, boycotted an attempt to re-start the Dialogue.

## DISTINCTIVE FEATURES

**Small and elite-driven process.**

Political elites were the main decision-makers in the Lebanese National Dialogue. Its composition was fairly representative in terms of political confessionalism. The process has however been criticised for not properly addressing deeper dimensions, fears and concerns.

**Ongoing crisis management mechanism.**

The National Dialogue process was able to fulfil a crisis management and crisis prevention function in the highly fragmented political landscape of Lebanon.

**Regional dimension of the National Dialogue.**

Given the links between political actors and power houses in the region, the items taken up by the National Dialogue are linked to regional power balances. Despite attempts by the National Dialogue to disassociate from neighbouring conflicts, regional dynamics affect the Lebanese political sphere, and hence the Dialogue sessions.

## Lebanese National Dialogue, 2008–2014

Objective: Consensus over National Defence Strategy and other issues identified by the parties

### PREPARATION PHASE

#### DOHA CONFERENCE (NATIONAL DIALOGUE CONFERENCE)

**Mandate:**

- ▬ 6-day conference to end Lebanon's 18-month political stalemate

**Composition:**

Members of the National Dialogue Conference (NDC), consisting of key political leaders

Consultation with countries represented in the Arab Ministerial Committee, and other regional actors.

#### DOHA AGREEMENT

**Provides for:**

- ▬ Election of the consensus candidate General Michel Sleiman as President of the Republic;
- ▬ Formation of a national unity government;
- ▬ Adoption of an electoral law;
- ▬ Continuation of dialogue on the reinforcement of the authority of the State.

#### NATIONAL DIALOGUE STEERING COMMITTEE

**Mandate:**

- ▬ Define the criteria for participation and agenda



### PROCESS PHASE

#### NATIONAL DIALOGUE STEERING COMMITTEE/ NATIONAL DIALOGUE COMMITTEE

**Mandate:**

- ▬ Process design, research, drafting policy options
- ▬ Facilitation support to the president
- ▬ Consulting with experts throughout the process design

**Composition:**

9 experts and personalities nominated by the president

support

support

#### TECHNICAL SUPPORT

**Tasks:** deepen vertical inclusivity by feeding expertise and civil society views into the National Dialogue

**Organisations:**

- ▬ 2008–2010:  
UNDP and the Berghof Foundation
- ▬ from 2010:  
the Common Space Initiative

May 16–21, 2008

## Structure

### NATIONAL DIALOGUE SESSIONS

#### Mandate:

- Meet regularly to discuss issues according to the mandate (including a new national security framework) and create a new elite consensus

**Chair:** President Michel Sleiman

#### Composition

- 2008–2009:
  - 14 members
  - 8 delegates from March 14 Alliance
  - 5 delegates from March 8 Alliance
  - 1 independent participant
- 2010–2014:
  - 19 members
  - 7 from March 14 Alliance
  - 7 from March 8 Alliance
  - 5 independent participants
  - From June 2012 with new Prime Minister Najib Mikati instead of ex-Prime Minister Saad Hariri.
  - At times boycotted by Lebanese Forces leader Samir Geagea (from June 2012), March 14 Alliance members (July 2012) and some March 8 parties, including Hizbullah (March 2014).



14



19



Sep 2008–May 2014

## IMPLEMENTATION

- Discuss National Defence Strategy (no joint position reached)
- A joint statement on elections and Israel/Palestine conflict
- Code of honour to ensure restraint in political and media discourse
- Joint declarations



until May 24, 2014

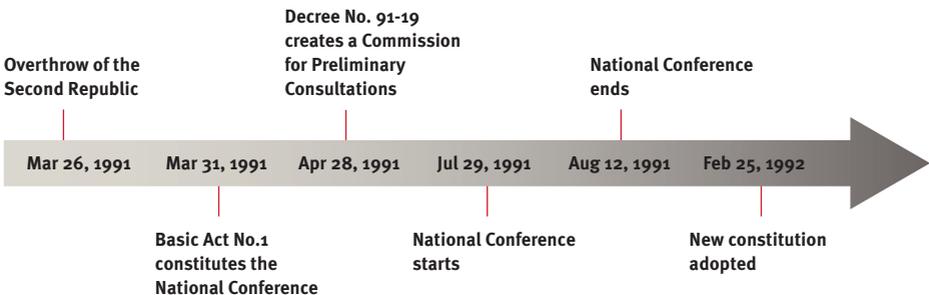
# Mali

In the context of the armed rebellion, the overthrow of the Second Malian Republic and the coup d'état against President Moussa Traoré in March 1991, civil society actors of the democratic movement forced the regime into dialogue, albeit without success. Violence escalated and a part of the army broke away and, together with those civil society actors, set up the Transitional Committee for the Salvation of the People (CTSP) which instituted a transitional government. The CTSP passed the Basic Act in 1991 constituting the National Conference as a sovereign assembly.

The aim of the National Conference was to draft a new constitution and reform the nation. It was designed as both a crisis management tool and an instrument of fundamental change. It resulted in a new constitution adopted by referendum in 1992 and significant decentralization reform.

With the notable exception of the former ruling party, the National Conference was characterized as very inclusive and diverse. It boldly addressed the state of the nation and guaranteed freedom of expression during the Conference, aiming to truly reform and democratise the state. However, some have criticized the quality of the conference organisation, with the short timeframe allowing only superficial treatment of some of the political and institutional questions.

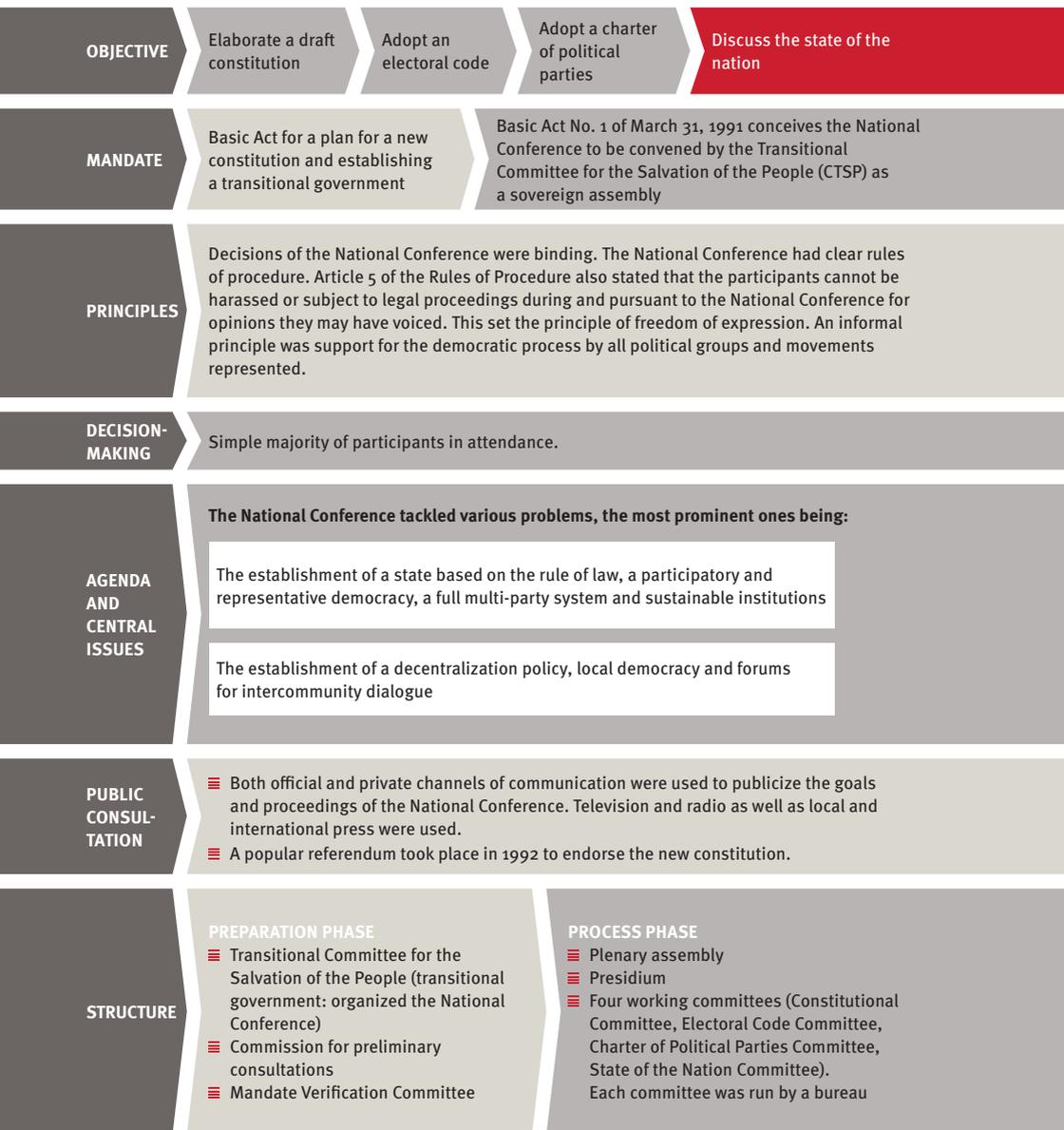
## The National Conference in Mali



## Mali National Conference

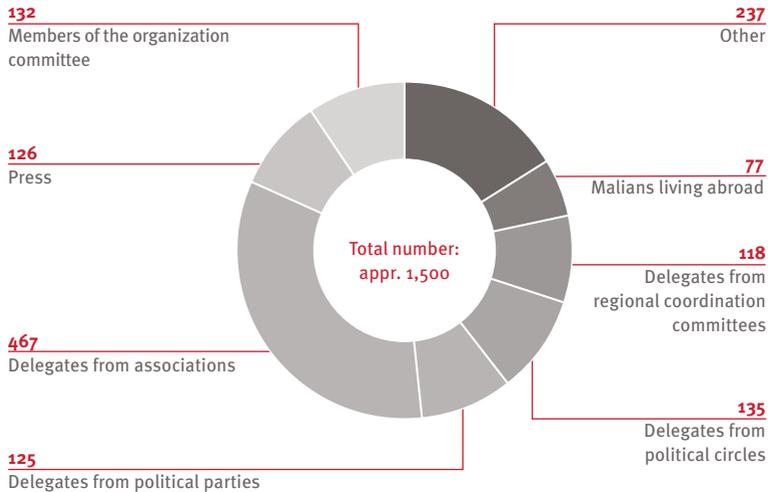
Duration	2 weeks (July 29–August 12, 1991)
Objective	Draft a new constitution, adopt a new electoral code, adopt a charter of political parties, discuss the state of the nation.
Mandate	Mandated by Basic Act No.1 from 1991 which constituted the National Conference as a sovereign assembly.
Participation and selection criteria	Participants had to be Malians, be at least 18 years old, have full civil rights and have never been convicted of a serious offence, and have not stood prominently against the democratic process. A Mandate Verification Committee verified the official list of participants.
Facilitation	The 10-member Presidium chaired by Amadou Toumani Touré was tasked with steering the work of the National Conference.
International support	There was no international support to the process; it was entirely locally driven.
Outcomes	The Malian Constitution was adopted through a referendum on February 25, 1992. Decentralization reforms were implemented, creating 703 local communes and allowing for the election of local officials. Presidential elections were held in April 1992.
Challenges/ lessons learned	<ul style="list-style-type: none"> <li>≡ No members of the former single party were involved in the National Conference.</li> <li>≡ The short timespan allocated for the event was problematic, as certain issues were treated only superficially.</li> <li>≡ The process was also criticised as being topdown, because it was initiated in Bamako and the majority of delegates came from urban areas.</li> <li>≡ Another challenge was the lack of monitoring and evaluation mechanisms which meant that certain recommendations, despite their binding nature, were not respected and implemented.</li> </ul>

## Mali National Conference 1991



## Process

## SIZE AND COMPOSITION



Source: Actes de la Conférence Nationale du Mali, August 20, 1991

## DISTINCTIVE FEATURES

**Openness.**

The 1991 National Conference was the most open and democratic national forum for dialogue since gaining independence in 1960.

**Radical change.**

The National Conference was convened as a sovereign assembly whose decisions were binding. It facilitated a radical restructuring of the institutions and the creation of a new republic.

**Inclusivity.**

A participatory approach was employed in the organisation of the Conference, and the new constitution had to be endorsed in a public referendum. Among the participants were representatives of the newly created political parties, women's, student and peasant groups, religious groups and trade unions.

## Mali National Conference 1991

Objective: Discuss the state of the nation, elaborate a draft constitution, adopt an electoral code, adopt a charter of political parties

### PREPARATION PHASE

#### TRANSITIONAL COMMITTEE FOR THE SALVATION OF THE PEOPLE (INTERIM GOVERNMENT)

**Mandate:**

- Coordinate preparation and organize the National Conference, submit draft constitution to the National Conference

#### COMMISSION FOR PRELIMINARY CONSULTATIONS

**Mandate:**

- Advise the prime minister on selections of participants, organization and management.

#### MANDATE VERIFICATION COMMITTEE

**Mandate:**

- Verify official list of participants.



### PROCESS PHASE

#### PRESIDIUM

**Mandate:**

- Steering the work of the National Conference. It oversaw the application of the internal regulations, maintained order and discipline, directed the discussions, announced the opening and closing of sittings and called a vote.

**Composition:**

President Amadou Toumani Touré and 9 vice presidents



1,500



Mar–Jul 1991

## Structure

**PLENARY ASSEMBLY**

**Mandate:** Elaborate a new constitution.

The National Conference is a sovereign assembly, its decisions are binding.

**Vote:** Simple majority

**Composition**

1,500 registered participants (reports estimate up to 1,800 actual participants), including representatives of the newly created political parties, women's, student and peasant groups, religious groups and trade unions.

**4 THEMATIC WORKING COMMITTEES:**

Constitutional Committee

Electoral Code Committee

Charter of Political Parties Committee

State of the Nation Committee

Each committee is run by a bureau.

**Composition:** President, vice president, rapporteur, secretary

The public was kept informed and sensitized on the goal and proceedings of the National Conference through a variety of channels.



Jul 29–Aug 12, 1991

**IMPLEMENTATION**

**New constitution adopted by popular referendum on February 25, 1992**

**Decentralization reform implemented, 703 communes created, 10,000 local officials elected.**

**Establishment of a multi-party democracy following the adoption of a charter of political parties.**



Feb 25, 1992

# Nepal

Although the peace process in Nepal is not widely described as a National Dialogue, the diverse set of civil society dialogue and multi-party negotiation mechanisms used at different levels provide an interesting case. The process is largely understood as home-grown and nationally led and managed.

The overall objective of the bilateral negotiations, multi-party negotiations and civil society dialogue was to restore peace and stability by ending the decade-long civil war between the Communist Party of Nepal-Maoist (CPN-M) and the Government of Nepal. A further aim was to change the unequal socio-political power relations and economic system in the country by means of a new constitution. The peace process consisted of the following elements:

- ≡ Exploratory Dialogue Initiative (2000)
- ≡ Informal dialogue structure/safety net: A number of civil society initiatives supported and complemented the formal peace process. The Nepal Transition to Peace Initiative (NTTP, 2005–on-going) played an important role and will be portrayed as an example.
- ≡ Formal peace structure: Peace Secretariat, incl. the High Level Peace Committee established in 2004, from 2007 the Ministry of Peace and Reconstruction
- ≡ Official rounds of negotiations in 2001, 2003 and 2006
- ≡ People's Movement for Democracy/Jana Andolan II (April 2006)
- ≡ Two Constitutional Assemblies (May 2008–May 2012 and November 2013–September 2015)

As a result of these peace efforts, the civil war came to an end in 2006 and a new constitution was adopted in 2015, making Nepal a secular, federal republic based on a bicameral parliamentary system. As with other processes of comparable length and complexity that are depicted here, mapping the whole process would be beyond the scope of this fact sheet. Thus, only the phase leading to the adoption of the Comprehensive Peace Agreement (2000–2006) will be discussed in detail.

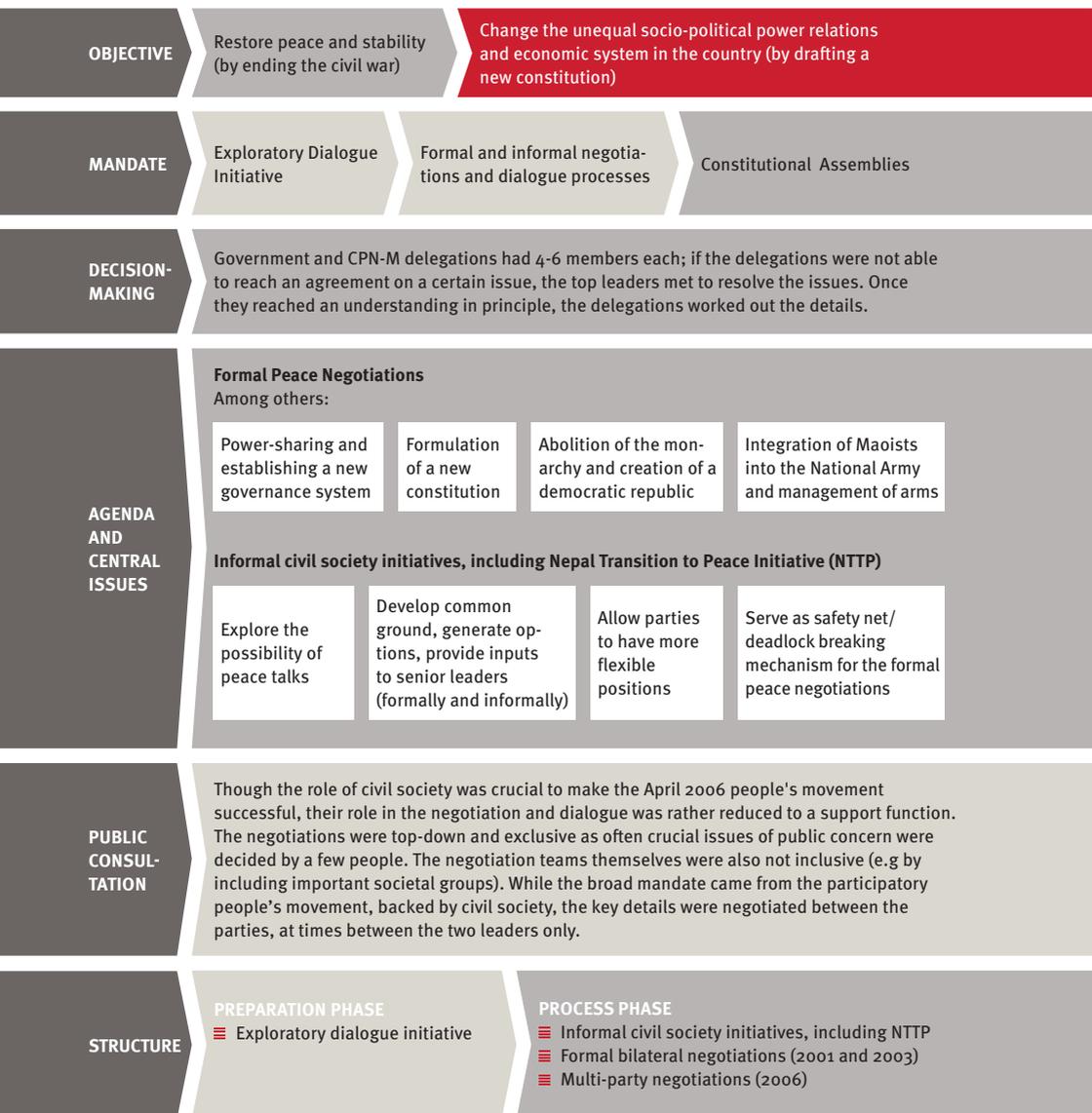
## Nepal's Peace Process



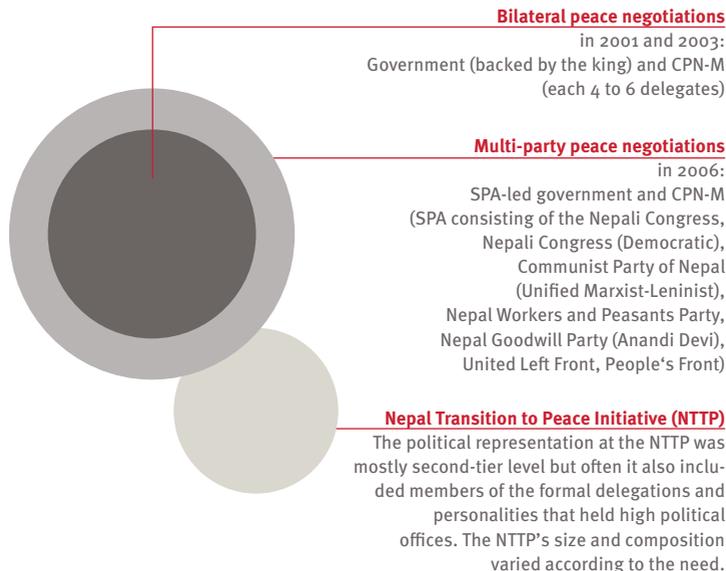
## Nepal Negotiations and Civil Society Dialogue

Duration	<p>6 years (2000–2006)</p> <p>This includes the negotiation and dialogue processes that led to the signing of the Comprehensive Peace Agreement. A new constitution, however, was not adopted until 2015.</p>
Objective	<p>To end the decade-long civil war and transform the social and economic system.</p>
Mandate	<p>For the 2006 peace talks, several documents signed by the Seven Party Alliance (SPA) and the CPN-M served as a basis (12-point understanding, 8-point agreement, code of conduct, etc.).</p>
Participation and selection criteria	<p>The non-violent and well-attended people’s movement (Jana Andolan II, April 6–24, 2006), initiated by the SPA and supported by the Maoists, paved the way to end the Maoist civil war and put considerable public pressure on all conflict parties to initiate the last round of formal peace negotiations.</p> <p>The official negotiations took place among the conflict party delegations (government/king and CPN-M in 2001 and 2003; SPA-led government and CPN-M in 2006), sometimes just between the heads of delegation. The numerous civil society initiatives, among them the informal dialogue mechanism, National Transition to Peace Initiative (NTTP), managed to provide input on contentious issues, thus allowing for some indirect participation in the exclusive formal talks.</p>
Facilitation	<p>The two civil society facilitators Daman Nath Dhungana and Padma Ratna Tuladhar took part in all official rounds of negotiations and the informal dialogue space provided by the NTTP. In the negotiation rounds of 2003 and 2006, other facilitators participated.</p>
International support	<ul style="list-style-type: none"> <li>≡ India informally facilitated during the 12-point understanding.</li> <li>≡ The peace process was technically and financially assisted by several states as well as national and international NGOs, but as a whole, it was perceived as a nationally led and managed process.</li> <li>≡ The United Nations Mission in Nepal (UNMIN) was deployed after the adoption of the Comprehensive Peace Agreement, from 2007 to 2011.</li> </ul>
Outcomes	<p>The main outcome of the National Dialogue in Nepal was the Comprehensive Peace Agreement signed on November 21, 2006.</p>
Challenges/ lessons learned	<p>Bringing together the delegations of government (backed by the king until February 2005), CPN-M and (in 2006) the SPA, the official negotiations were neither inclusive (especially with regard to including civil society actors) nor well-structured. Most rounds took place in an ad hoc manner and important details, also relevant for the implementation phase, were left out.</p>

## Nepal Negotiations and Civil Society Dialogue 2000–2006



## SIZE AND COMPOSITION



## DISTINCTIVE FEATURES

**Nationally led and driven process.**

The whole peace process in Nepal was managed nationally and also perceived as such by the public. The international community supported some of the mechanisms financially and with specific expertise, albeit with little visibility.

**Linking the tracks.**

In the context of Nepal, it is particularly remarkable that the informal and the formal dialogue and negotiation processes were rather well linked: through overlaps among delegation members and through the use of the same facilitators. The two main facilitators were accepted by all sides and also, due to their background, conveyed a certain civil society legitimacy to the rather exclusive formal process.

**Exclusive negotiations, inclusive set-up in the constitutional process.**

Although the peace negotiations were held exclusively between the main conflict parties (government and CPN-M and from 2006 onwards SPA and CPN-M), the subsequent two Constitutional Assemblies were designed as very inclusive bodies and represented almost the whole spectrum of the Nepalese society.

## Nepal Negotiations and Civil Society Dialogue 2000–2006

Objective: Restore peace and stability, and to change the unequal social, political and economic system

### PREPARATION PHASE

#### MULTI-PARTY NEGOTIATIONS

##### Mandate:

First informal talks between the parties about their willingness to talk and organize a first encounter between the leaders of the main conflict parties ('Talks about Talks')

##### Composition:

Each one negotiator from government and CPN-M and a facilitator



3



### PROCESS PHASE

#### HIGH-LEVEL PEACE COMMITTEE (HLPC)

(Established in August 2004 by the government, dissolved after the royal takeover on February 1, 2005.)

**Mandate:** Facilitate the stalled peace process

**Chair:** Prime Minister Sher Bahadur Deuba

**Composition:** Leaders of different political parties and senior members of the cabinet

#### PEACE SECRETARIAT

(Established in August 2004 by the government, active beyond the dissolution of the HLPC)

##### Tasks:

- ≡ Support the HLPC and its Consultation and Cooperation Subcommittee; support institutionalising the peace process.
- ≡ Organise peace talks and implementation of outcomes in cooperation with the government; formulate a peace talks action plan
- ≡ Maintain communication and relations with foreign agencies.

**Composition:** Secretary, joint secretary and other officers deputed by the government

#### INFORMAL DIALOGUE STRUCTURE

Many informal civil society initiatives supported the formal peace process and provided a safety net, among them the NTTP.

#### THE NEPAL TRANSITION TO PEACE INITIATIVE (NTTP 2005–on-going)

##### Mandate:

Explore and foster the possibility for peace talks and provide an informal dialogue space to develop common ground and generate options.

##### Structure:

- NTTP Forum
- Thematic Groups (young political leaders, women, Madhesh, Janjati, Dalits)
- Sub-national Dialogue Groups

##### Composition:

Leaders from all major political parties (forum) and influential members of their respective communities from across party lines and civil society (thematic groups)

2000

# Structure

## FIRST AND SECOND NEGOTIATION ROUND (2001 and 2003)

**Mandate:**

To end the war between the government/king and the CPN-M

≡ Each three rounds between government and CPN-M

**Facilitation:**

Two to four facilitators and/or witnesses, including Daman Nath Dhungana and Padma Ratna Tuladhar

**Composition:**

Each four to five senior leaders from government and CPN-M

## MULTIPARTY NEGOTIATIONS (2006)

**Mandate:**

To end the civil war

≡ Several rounds between the SPA-led government and the CPN-M and Seven Party Alliance

**Facilitation:**

Two to five facilitators/observers, including Daman Nath Dhungana and Padma Ratna Tuladhar

**Composition:**

Government and CPN-M each formed a Negotiation Talk Team consisting of one convener and two members



10-17



Aug 2001–Nov 2006

## IMPLEMENTATION

**CONSTITUTIONAL ASSEMBLY I**  
May 2008–  
May 2012

**CONSTITUTIONAL ASSEMBLY II**  
November 2013–  
September 2015

**CONSTITUTION CAME INTO EFFECT ON SEPTEMBER 20, 2015**

Comprehensive Peace Agreement and establishment of national peace infrastructure



21 Nov 2006

May 2008–Sep 2015

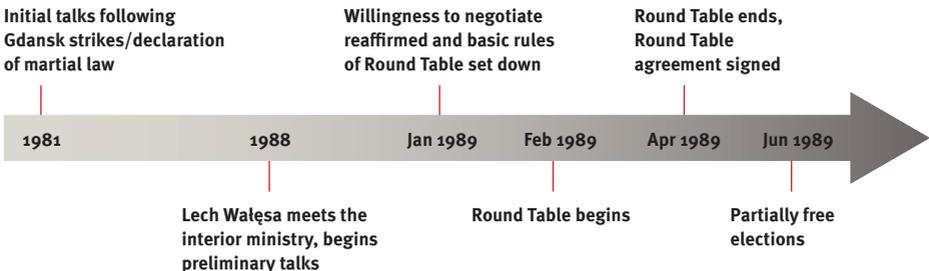
# Poland

The Polish Round Table Talks took place as a result of growing social unrest against miserable economic conditions and political repression. While demands for greater freedom (1956) and food price riots (1970) had been building up pressure against the regime, the protests gained momentum with strikes at the shipyard in Gdansk, the foundation of the independent trade union Solidarity in 1980 and the imposition of martial law from 1981 to 1983. The decline of Communism in Europe was an additional backdrop. The aim of the opposition was the legalisation of Solidarity and other banned associations and some economic reform, while the government sought to retain control while calming the moral-political crisis. The talks began as crisis management but eventually developed into negotiations on a new social contract.

The main outcome of the Round Table Talks was the legalisation of Solidarity and other banned organisations as well as partially free elections in 1989 which led to the fall of communism and eventually a democratic transition.

Distinctively, the process was very open with opposition leaders holding consultations with the public on their proposals in order to increase their bargaining power and legitimacy; the talks were broadcast in order to ensure the legitimacy of the process. The government only agreed to the talks due to the mistaken belief that they were strong enough to retain power. Once the talks were underway the agenda of negotiations expanded beyond the intentions of either side. In terms of lessons learned, the talks showed that small working groups and subgroups were highly efficient; the plenum met only for the inception and conclusion of the talks.

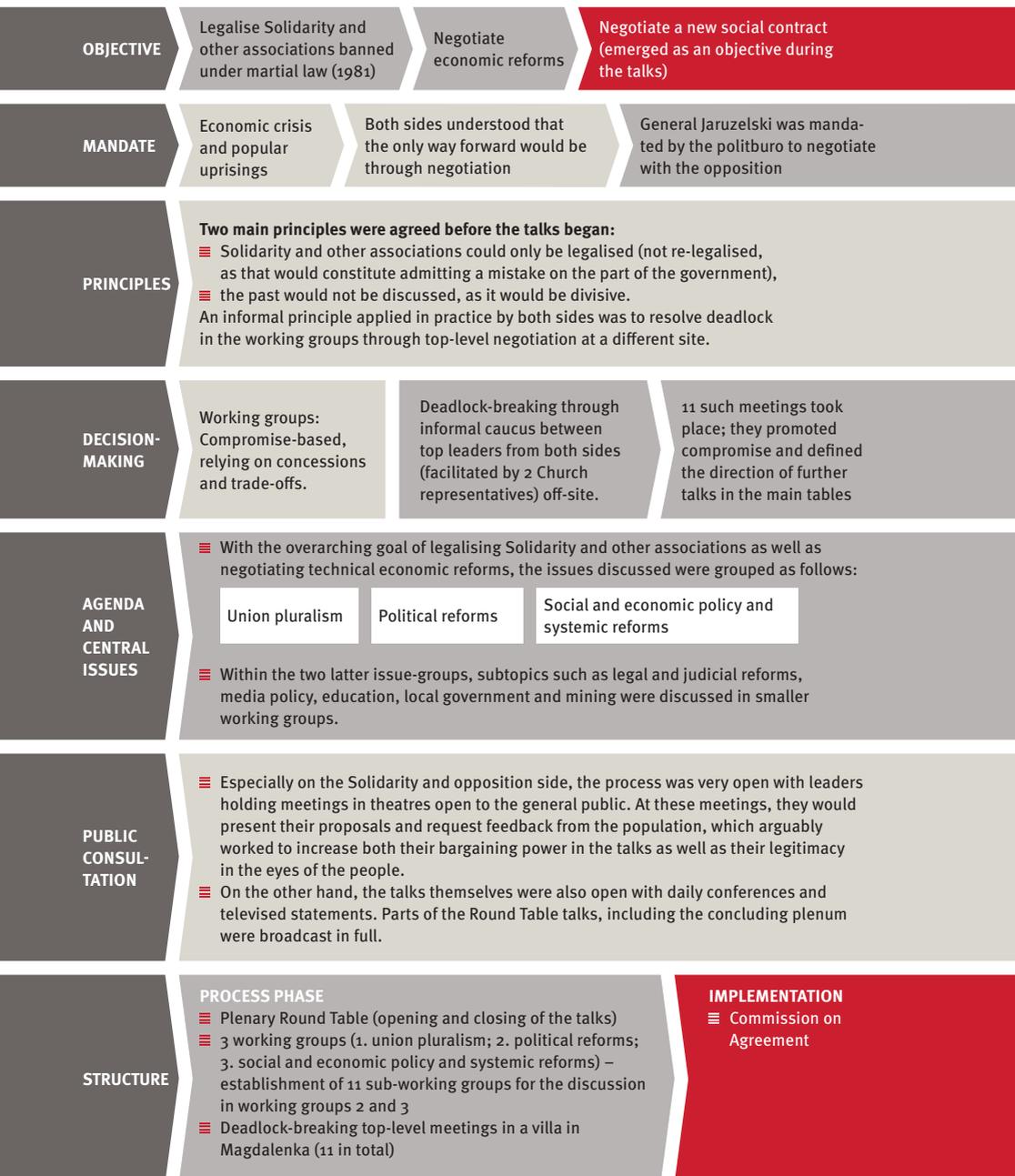
## The lead-up and outcome of the Polish Round Table Talks



## Polish Round Table Talks

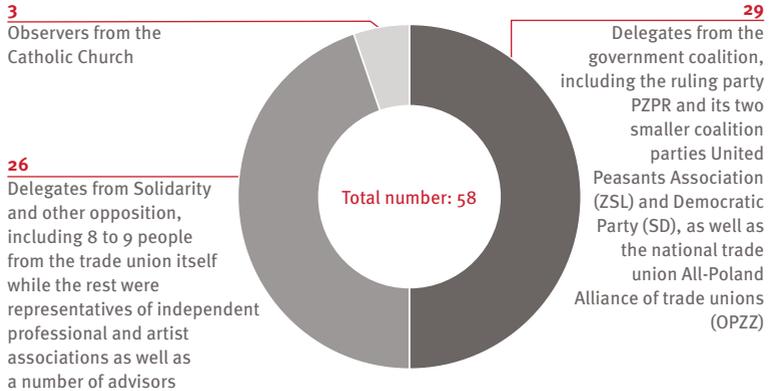
Duration	2 months (February 6, 1989–April 5, 1989)
Objective	Initially, the narrow objective was to negotiate a way to legalise Solidarity and agree on practical economic reforms in order to calm the growing economic, moral and political crisis in Poland.
Mandate	The Round Table Talks were precipitated by an economic crisis and popular uprisings, as well as a growing understanding on both sides that the only way forward is through negotiation. Eventually, General Jaruzelski obtained a vague mandate from the politburo to negotiate with the opposition.
Participation and selection criteria	The Round Table Talks comprised 55 delegates from both the government coalition side and the Solidarity and opposition side, plus three observers from the Catholic Church. On the government side, the lead negotiators were appointed by the top four figures in the party who then selected their teams from party-approved lists. On the Solidarity side, Lech Wałęsa appointed the three chief negotiators who then selected their own teams. The ZSL and SD (satellite parties) appointed their own delegates, as did the OPZZ (a state-sponsored trade union, created to replace Solidarity after it was banned in 1981) which did not want to participate in the negotiations, initially.
Facilitation	There was no official facilitation to the process, but the Catholic Church was instrumental in bringing the parties together and keeping negotiations on track. High level meetings in a villa in Magdalenka served to break deadlocks that would occur in the working groups (top leaders on either side did not participate in the Round Table Talks).
International support	The process was entirely locally owned, but increasing aid and loan conditionality from the West put the Communist government under pressure to implement real reform. Western leaders expressed support for Solidarity and the opposition.
Outcomes	Solidarity and other associations banned under martial law were legalised; agreement was reached on a number of economic and social issues; free elections were held (for 35% of the seats in the lower house and all seats in the newly formed upper house) in 1989; a presidency with strong executive powers to be elected by both houses of the National Assembly was instituted; this eventually led to the opposition taking power and forming a democratic government.
Challenges/ lessons learned	One of the main challenges of the talks was their perception as elite-based consensus due to the fact that important issues were often decided by top leaders off site. Fearing for their own political relevance, the OPZZ attempted to sabotage the talks at several points as they disagreed with the intended outcome of legalising Solidarity. The process was designed very efficiently in small thematic working groups and subgroups which allowed for technical negotiation to be done in detail.

## Polish Round Table Talks 1989



## SIZE AND COMPOSITION

Total number: 58 in plenum (politicians, union leaders, intellectuals, student associations, Catholic Church)



## DISTINCTIVE FEATURES

**Focus on legitimacy.**

The Round Table Talks were strongly concerned with the perception of their legitimacy in order to avoid the perception that the talks were an elite consensus and to ensure popular support of the resulting agreement.

**Agenda expansion.**

The agenda of the talks expanded significantly from crisis management to negotiating fundamental political change and a new social contract once the talks were underway. There was very little success on one of the two main stated aims (negotiating technical economic reforms) and major success on negotiating a new social contract.

**Role of the Church.**

The Catholic Church played a very important role in facilitating conversation between the two sides. They were present in all meetings, even in the high-level meetings that took place between the top leaders. They were not seen as impartial but accepted by both sides.

**Cohesive opposition vs fragmented government.**

One of the reasons for the relatively surprising amount of concessions the government made was that they were faced with a cohesive opposition emerging from a pre-existing movement as they were facing increasing fragmentation on their side.

**High level of detail in discussions.**

In-depth discussions were made easier and trust was built by organizing the talks not as a large plenary but instead forming several smaller tables and sub-tables focusing on specific topics.

## Polish Round Table Talks 1989

Objective: Legalization of Solidarity and practical reforms (mostly in the economic field); new social contract

### PREPARATION PHASE

#### SERIES OF PREPARATORY MEETINGS

**Mandate:**  
Prepare the talks, establish ground rules



### PROCESS PHASE

#### VILLA IN MAGDALENKA

11 meetings over the course of the two weeks

##### Mandate:

- Negotiate on the most contentious issues to break working group deadlocks
- Decide on delegates' composition and agendas

##### Composition:

44 top leaders from both sides

#### PLENARY ROUND TABLE

Only two official plenary meetings, on February 6, right at the beginning of the process and on April 5, at the very end

**Co-chairs:** Chairman of Solidarity Lech Wałęsa and Prime Minister Czesław Kiszczak

##### Composition:

##### 58 Delegates:

- 29 government coalition
- 26 Solidarity and opposition
- 3 observers (Catholic Church)



200



End of 1988–Jan 27, 1989

## Structure

**MAIN TABLE I  
“ON UNION PLURALISM”**

**Mandate:**  
Legalization of Solidarity

**Chair:** 1 government,  
1 opposition member

**Composition:**  
**36 negotiators:** 14 Solidarity and  
22 government; 17 experts partici-  
pated in smaller working groups

**MAIN TABLE II  
“ON POLITICAL REFORMS”**

**Mandate:**  
Originally on the conditions under  
which Solidarity could participate  
in elections

**Chair:** 1 government,  
1 opposition member

**Composition:**  
**40 negotiators:** 18 Solidarity  
and 22 government

**MAIN TABLE III  
“ON SOCIAL AND ECONOMIC  
POLICY AND SYSTEMIC REFORMS”**

**Mandate:**  
Work out the details of a  
reorganization of public life  
(anti-crisis pact)

**Chair:** 1 government,  
1 opposition member

**Composition:**  
**46 negotiators:** 24 Solidarity  
and 22 government

**11 SUB-TABLES AND  
WORKING GROUPS**

**Mandate:**  
Debate practical reforms on  
different issues, including legal  
and judicial reforms, media  
policy, education, local  
governments, mining, etc.

**IMPLEMENTATION****ROUND TABLE AGREEMENT**

- ≡ Signed on April 4, 1989
- ≡ Legalization of banned associations (among other Solidarity)
- ≡ Provision for partially free parliamentary elections
- ≡ Formation of a freely elected senate
- ≡ Presidency: newly instituted, with strong executive powers
- ≡ Agreement on a number of economic and social solutions
- ≡ Ease of censorship

**COMMISSION  
ON AGREEMENT**

- Mandate:**
- ≡ Evaluate the implementation of the agreement
  - ≡ Mediate in future conflicts

**Composition:**  
Members of the Round Table and “other groups concerned”



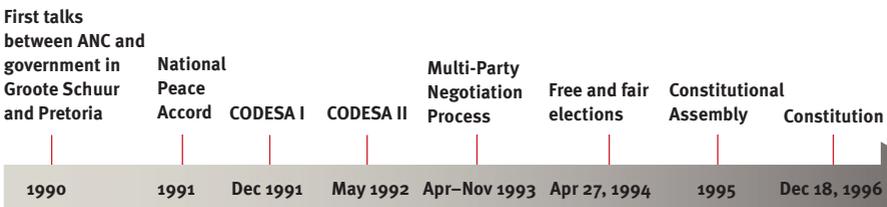
## South Africa

By the late 1980s, both sides in South Africa's long-standing armed conflict were locked in a mutually 'hurting stalemate' and under enormous international pressure to resolve the conflict. The Apartheid system was crumbling amid economic crisis, international isolation and its own educational and psycho-social ramifications, while the end of the Soviet Union posed a predicament for the liberation movement, which saw its financial and political support dwindling.

The peace process was kicked off on February 2, 1990 with an announcement by the then president FW de Klerk to unban all banned political movements and start negotiations for a 'new South Africa'. These included formal meetings between the ANC and the government in Groote Schuur and Pretoria, followed by a National Peace Accord that was signed by 27 political, trade union and government leaders. It set out a code of conduct for the transition period and paved the way for the first multi-party forum Convention for a Democratic South Africa (CODESA). After CODESA I and II failed, negotiations were brought back on track through continued bilateral talks between the ANC and the government, and the convention of the Multi-Party Negotiation Process (or Multi-Party Negotiating Forum), where an interim constitution was adopted. Free and fair elections on April 27, 1994 mandated a constitutional assembly that adopted the constitution in 1996.

Combining elements of crisis management (containing violence) and fundamental change, the peace process famously set out to create the new 'Rainbow Nation' by achieving a new consensus on society's basic principles, norms and procedures. Probably one of the most famous peace processes, it is particularly noteworthy for the quality of leadership of both top leaders, and leaders on all societal levels and sectors (note the high importance of the Consultative Business Movement as well as religious leaders); serious efforts also to vertical inclusivity despite its essentially elite character; and its high level of national ownership through self-mediation.

### Negotiations to end Apartheid and restore peace in South Africa, 1990–1996



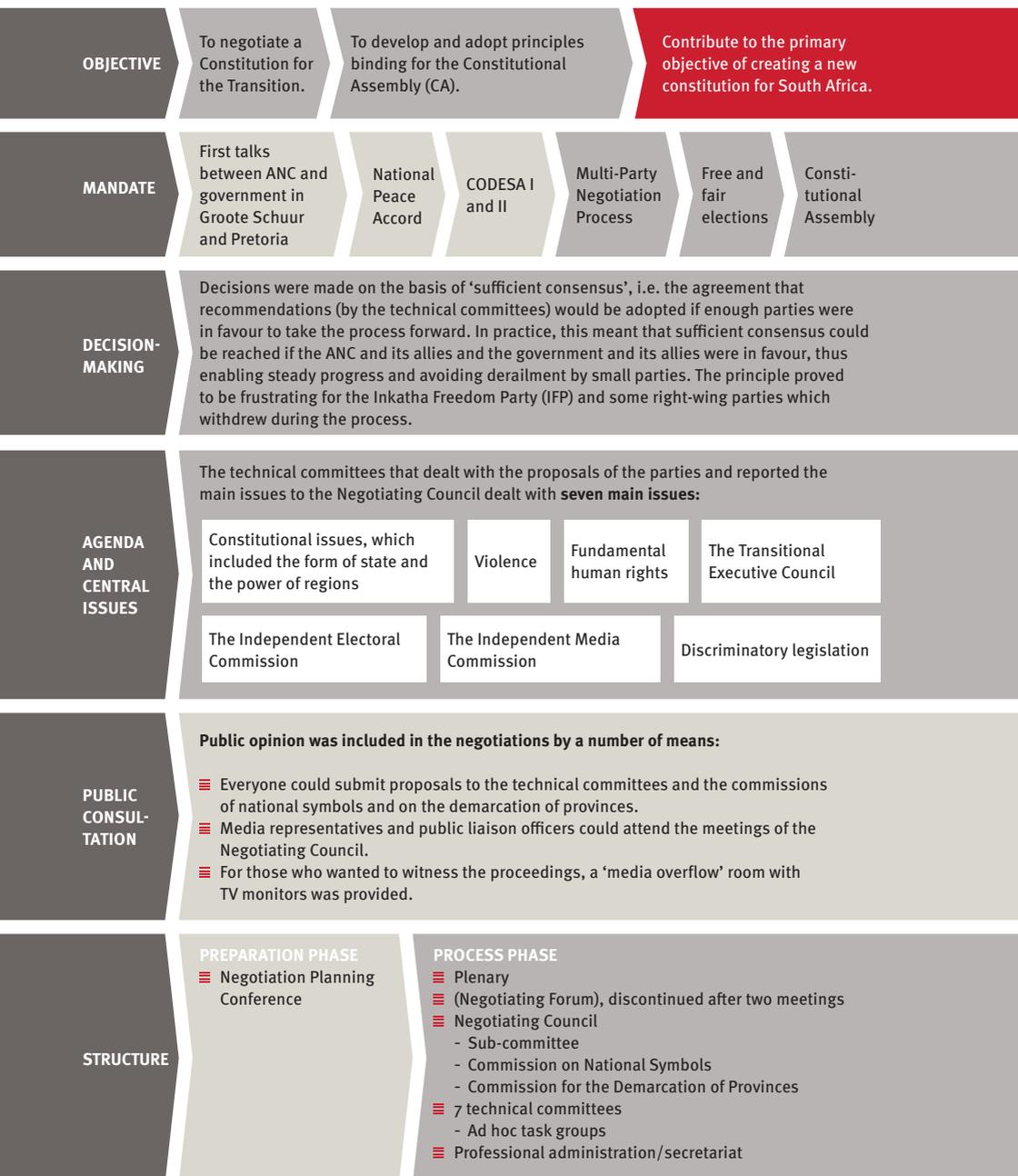
Transitional Executive Council →

Government of National Unity →

## Multi-Party Negotiation Process

Duration	7.5 months (April 1, 1993–November 18, 1993)
Objective	To negotiate a Constitution for the Transition, develop and adopt constitutional principles binding for the Constitutional Assembly (CA) and thus contribute to the primary objective of creating a new constitution for South Africa.
Mandate	Mandated by a Record of Understanding between ANC and NP and a subsequent all-party planning conference following the failed predecessor talks CODESA I and II.
Participation and selection criteria	The MPNP was attended by 26 parties, including political groups, national and homeland government representatives and traditional leaders. The process was more inclusive than the previous two efforts, with the KwaZulu homeland government, the Conservative Party and the Volksunie participating. The Pan Africanist Congress attended with reservations. Only a number of extreme Afrikaner parties and the far-left Azanian People's Organisation did not join.
Facilitation	While the earlier CODESA talks were chaired by senior judges, MPNP meetings were chaired by members of the negotiation teams on a rotating basis, thus increasing the sense of inclusion of the parties.
International support	Both main parties, the NP government and the ANC, were opposed to international mediation. As a result, the process was largely self-mediated, with the notable exception of the Kenyan academic Washington Okumu, who managed to broker an end to a boycott by the IFP after a failed negotiation attempt by former US Secretary of State, Henry Kissinger, and former British Foreign Minister, Lord Carrington, in March 1994.
Outcomes	The MPNP's output included a Constitution for the Transition, as well as four other draft bills on transition structures for the run-up period to the elections (Transitional Executive Council, Independent Electoral Commission and Independent Media Commission) and a permanent body to control broadcasting (Independent Broadcasting Authority). Delegates also agreed on a new electoral act to govern the elections for the Constitutional Assembly.
Challenges/ lessons learned	The parties had drawn lessons from CODESA and redesigned the negotiation process and structures accordingly in an all-party preparation conference in March 1993. Their lessons included the importance of having a simple structure with one negotiating and one decision-making body; the use of technical experts to enable 'interest-based' discussion; the establishment of a trusted 'coordinating committee' to function as guardians of the process, anticipate and pre-empt problems; and the seminal role of deadlock-breaking mechanisms that the parties had agreed on beforehand.

## South Africa Multi-Party Negotiation Process 1993

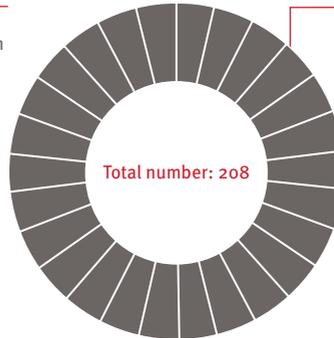


## Process

## SIZE AND COMPOSITION

0

The far-left Azanian People's Organisation (AZAPO) and the Afrikaner Resistance Movement (AWB) were the only ones not to join.



26

Parties, including political groups, national and homeland government representatives and traditional leaders (including parties formerly absent from the process).

While the Plenum was attended by 208 delegates, the most important negotiating forum, the Negotiation Council, was attended by two negotiators and two advisers, at least one of them a woman, per party.

## DISTINCTIVE FEATURES

**Largely self-mediated processes.**

With both main parties having reservations vis-à-vis international mediation, this is a notable case of a largely self-mediated process (but for a very brief and temporarily successful initiative to bring back the Inkatha Freedom Party to the negotiating table).

**Avoiding position-based negotiations.**

Public and party input was given to the technical committees which transformed the largely position-based proposals into interest-based reports that mostly already carried the seeds of compromise. By seeking compromise through one-text documents, the technical committees (although formally barred from political decision-making) acted as a strong deadlock-breaking mechanism.

**Lessons learned from CODESA I and II.**

Lessons learned from CODESA I and II were carefully applied during the all-party Negotiation Planning Meeting in March 1993, thus avoiding many of the pitfalls of the former negotiations, including the lack of technical/expert input (by establishing the technical committees) and the strong prevalence of positional bargaining (by introducing the concept of 'one-text' papers to the process).

## South Africa Multi-Party Negotiation Process 1993

Objective: Negotiate a Constitution for the Transition, develop and adopt constitutional principles and contribute to a new constitution for South Africa

### PREPARATION PHASE

#### Bilateral Meetings

between ANC and NP to find a common position for subsequent multi-party talks

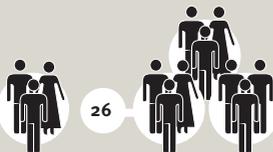
#### Negotiation Planning Conference

**Mandate:** Restructure the process and address some of the previous objections to CODESA

**Composition:** 26 parties

2

26



### PROCESS PHASE

#### PLANNING COMMITTEE

**Mandate:** 'Guardians' of the dialogue process; no decision-making power but essential role in pre-empting and averting problems

**Composition:** 10 prominent negotiators across the political spectrum serving in their individual capacities

#### SUB-COMMITTEE

safeguard process

**Mandate:** Keep the process on track through advice, trouble-shooting, shuttle diplomacy by keeping a low profile

**Composition:** Mac Maharaj (ANC), Fanie van der Merwe (NP government), Ben Ngubane (IFP, until IFP left the process)

oversee

oversee

#### COMMISSION

for the Demarcation of Provinces

#### COMMISSION

on National Symbols

#### 7 TECHNICAL COMMITTEES

submit reports

**Mandate:** Present reports to the Negotiating Committee, based on position papers submitted by the parties. Their proposals were interest-based (as opposed to position-based) and enabled the Negotiating Council to operate on a 'one-text' basis. If the technical committee could not reach a compromise, the matter was referred to the planning committee or an ad hoc task group.

**Composition:** 5-6 non-party political experts per committee, appointed by the Negotiating Council.

**Focus on seven issues:** 1 Constitutional issues, 2 Violence, 3 Fundamental human rights, 4 The Transitional Executive Council, 5 The Independent Electoral Commission, 6 The Independent Media Commission, 7 Discriminatory legislation

#### ADMINISTRATION

**Tasks:** Administrative and secretarial support, production of agendas, minutes and reports

**Composition:** Non-partisan Consultative Business Movement (CBM) and additional staff nominated by parties.

Late 1992–Jan 1993

Mar 1993

## Structure

### PLENUM

**Mandate:**

- ≡ Highest decision-making body
- ≡ Met only once to accept the interim constitution.

**Decision-making:** (Sufficient) consensus

**Composition:** 208 members from 26 parties, including political groups, national and homeland government representatives and traditional leaders.

submit interim constitution for approval

### NEGOTIATING FORUM

**Mandate:** Finalize agreements of the Negotiating Council. Met only twice and delegated its powers to the Negotiating Council after June 1993.

### NEGOTIATING COUNCIL

**Mandate:** Main negotiating forum that debated the main issues, reached agreements or accepted recommended agreements.

**Rotating chairs** appointed by the Negotiating Council from the parties, selected for facilitation skills.

**Decision-making:** (Sufficient) consensus

**Composition:** 2 delegates and 2 advisers per party (at least 1 woman)

Meetings were open to the media. The public could watch proceedings in a media 'overflow room' with television monitors.



208



## IMPLEMENTATION

### CONSTITUTION FOR THE TRANSITION

and 4 other Draft Bills on transition structures for the run-up period to the elections and a permanent body to control broadcasting

Election date set for April 27, 1994

Agreement on new Electoral Act

Agreement that an Interim Government of National Unity would govern until the next election in 1999



Apr–Nov 1993

Nov 18, 1993

# Sudan

The Sudanese National Dialogue emerged in the context of a protracted civil war (South Blue Nile, South Kordofan and Darfur) paired with internal crises and instability. The conflict between government and the various opposition forces had reached a hurting stalemate, and neither side had a clear advantage over the other. Against this backdrop, in January 2014 the Sudanese president called upon political forces in the country, including opposition parties and armed groups, to join a National Dialogue process.

The National Dialogue aimed at re-establishing the constitutional and political foundation of the state through a cooperative approach involving all Sudanese. The National Dialogue's specific objective was to elaborate a constitution which protects and reaffirms the fundamental rights, freedoms and social justice of all Sudanese. It resulted in the adoption of the National Document of Sudan, which is meant to serve as the basis for elaborating a new constitution.

The process continues to suffer from a lack of inclusivity in terms of representation and substance. Notably, the largest opposition parties and armed movements withdrew from the process, and were absent from the National Dialogue Conference.

## The Sudanese National Dialogue



## Sudanese National Dialogue and National Dialogue Conference

Duration	National Dialogue: 2.5 years (April 6, 2014–October 10, 2016) , National Dialogue Conference: 1 year (October 10, 2015–October 10, 2016)
Objective	To establish a constitutional, political and community foundation which would underpin a just state, built on the cooperation and solidarity amongst all Sudanese.
Mandate	A call for dialogue came from President El Bashir in January 2014 as a response to war, political conflicts and economic difficulties.
Participation and selection criteria	The General Assembly of the National Dialogue Conference included about 250 members from registered political parties, armed movements and national figures and community leaders. They were selected by consensus by the High Coordination Committee. Each party to the Dialogue nominated one representative and one deputy. Their exact numbers varied throughout the process, as some parties, movements and figures joined in the course of the conference, while others left to boycott the National Dialogue.
Facilitation	The General Assembly and all three preparatory Consultative Meetings were chaired by President El Bashir. Each committee was chaired by a high-ranking member of the government or opposition whose deputy came from the other side, i.e. either opposition or government.
International support	The process was nationally owned with AUHIP, UN and international partners providing assistance as possible. The final session was attended by the presidents of Egypt, Mauritania, Chad and Uganda, the prime minister of Ethiopia and the secretary-general of the Arab League.
Outcomes	The National Document, which is meant to form the basis for a new constitution, was adopted by the General Assembly on October 10, 2016.
Challenges/ lessons learned	<ul style="list-style-type: none"> <li>≡ The entire process was characterized by a lack of viability and the absence of political will to adhere to the conditions agreed upon, including ceasefires and the governmental decrees aimed to allow free opposition political activity.</li> <li>≡ The preparatory process and the National Dialogue Conference itself were marred by issues of non-representation. Even though a great multitude of movements were part of the process, the strongest opposition parties, including the Umma party, the Reform Now Movement and the National Unity Parties Alliance, withdrew from the process. They formed a new alliance, “Sudan Call”, which boycotted the process and also included the Sudanese Communist Party, the Sudanese Congress party, unionist and Baath parties, the Naserists, CSO initiatives, the Sudanese Revolutionary front which included the SPLM/N, JEM, the SLM, Abdel Wahid, Meni Arkawi and others.</li> </ul>

## Sudanese National Dialogue and National Dialogue Conference 2014–2016

**OBJECTIVE**

Cooperation and solidarity amongst all Sudanese to overcome Sudan's multiple crises

Consensus on a constitution and legislation that guarantee freedoms, rights and social justice, and agreement on independent mechanisms for the protection of such rights

Consensus on legislation and measures necessary for holding free and fair elections

Constitutional, political and community foundation within a consensus framework amongst the Sudanese people that establishes a just and rationale state and an effective political system

**MANDATE**

Context of deadlock and increased calls for separatism

President El Bashir calls for a meeting to discuss an initiative for a comprehensive National Dialogue in January 2014

Presidential decrees on free political activity are passed amongst others as guarantees to encourage participation

First consultative meeting on issues relating to the launch of the Conference in April 2014

**PRINCIPLES**

- ≡ Comprehensive participation and discussion of the crucial issues
- ≡ Transparency
- ≡ Commitment to the conference's outcomes and their implementation

**DECISION-MAKING**

Decisions in the General Assembly were taken by consensus; if consensus was not possible, a 90% majority was required.

**AGENDA AND CENTRAL ISSUES**

**During the conference, committees were set up on the following central issues:**

Freedom and fundamental rights	Economy	Identity (focusing on defining the Sudanese identity and supreme values)
Foreign relations	Unity and peace	Governance issues and implementation of the dialogue outcomes

**PUBLIC CONSULTATION**

There appears to have been no public consultation during the process of the National Conference in Sudan. The three preparatory consultative meetings were attended by those parties that participated in the conference (some of them leaving the process at a later stage).

**STRUCTURE**

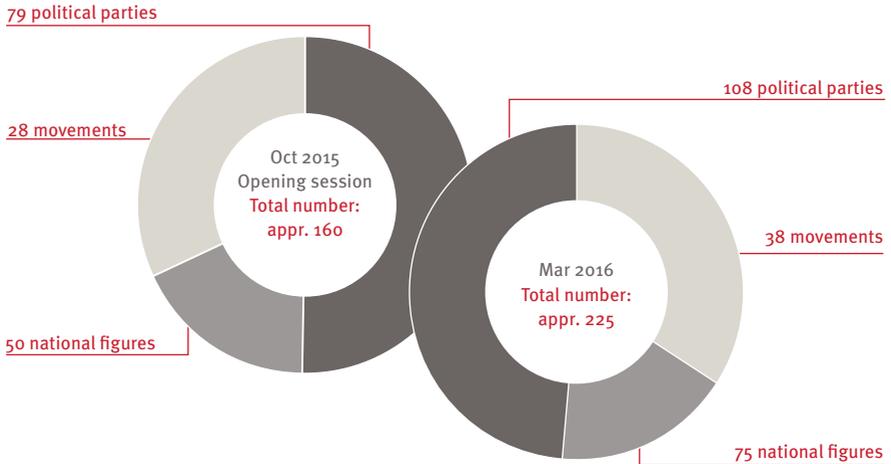
**PREPARATION PHASE**

- ≡ High Coordination Committee
- ≡ Subcommittees to create a conducive environment for dialogue:
  - On contact with the armed opposition outside Sudan
  - On contact with the civil opposition inside Sudan
  - On community dialogue

**PROCESS PHASE**

- ≡ General Assembly
- ≡ High Coordination Committee
- ≡ General Secretariat
- ≡ 6 committees on central issues
- ≡ A joint media committee

## SIZE AND COMPOSITION



The figures vary widely among different sources. They were taken from the official National Dialogue website [hewarwatani.gov.sd](http://hewarwatani.gov.sd) and the General Secretariat of the Conference and show the figures of the opening session and the most recent figures as of December 2016, respectively. While the number of participating parties, movements and national figures increased, this is not indicative of the inclusivity of the process, as size and representativeness of the included parties differ, and many opposition parties withdraw during the preparation phase.

## DISTINCTIVE FEATURES

**Non-participation of a number of opposition parties.**

The Umma party along with the Reform Now Movement and the National Unity Parties Alliance (consisting of former ruling party allies) withdrew during the preparations arguing that the fundamental conditions for a just and comprehensive National Dialogue had not been established. After their withdrawal, the High Coordination Committee was run by parties close to the government and small opposition parties lacking real political influence. The major armed movements including the SPLM/N and the three Darfourian armed movements with some other political parties, refused to join the process from the very beginning.

**Delays in convening the General Assembly to deliberate on the recommendations.**

The process of convening the General Assembly after the committees had submitted their recommendations lasted seven months due to the difficulties in following the AUHIP roadmap (signed by the government in March and the opposition in August 2016) which suggested discussing a cessation of hostilities and humanitarian access before holding the National Dialogue Conference. Agreement on the first two points could not be reached, and the government proceeded with the National Dialogue Conference in October, which the opposition did not attend.

# Sudanese National Dialogue and National Dialogue Conference 2014–2016

Objective: Establish a constitutional, political and community foundation which would underpin a just state, built on the cooperation and solidarity amongst all Sudanese



Jan 2014–Oct 2015

## Structure

pass proposals for final decision

### GENERAL ASSEMBLY

**Chair:** President El Bashir

**Composition:**

About 250 members from invited registered political parties, armed movements, national figures and community leaders

**Decision-making:**

Each party had one vote, based on consensus or 90-percent majority

staff

### 6 CONFERENCE COMMITTEES

**Mandate:**

Deliberate on specific topics and submit recommendations to HCC

**Composition:**

Alternating chair and co-chair positions for government and opposition

- ☰ Unity and Peace
- ☰ Economy
- ☰ Freedoms and Fundamental Rights
- ☰ Identity
- ☰ Governance
- ☰ Implementation of the Conference Outcomes



250



Oct 2015–Oct 2016

## IMPLEMENTATION

**Mandate:**

To follow up on the implementation of the Conference's outcomes.

Adoption of  
the National  
Document



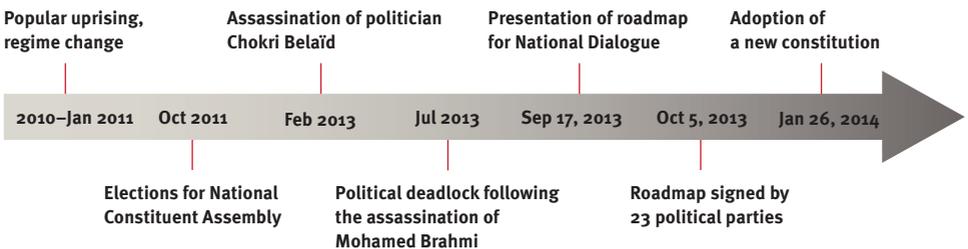
Oct 10, 2016

# Tunisia

Following the ousting of President Zine El Abadine Ben Ali after mass demonstrations during the so-called Dignity Revolution in January 2011, a National Constituent Assembly was elected in October of that year. On July 25, 2013, the drafting of a new constitution by the Constituent Assembly came to a complete deadlock caused by the assassination of the party leader Mohamed Brahmi. It was the second politically motivated assassination in 2013 after party leader Chokri Belaïd had been killed in February outside his home. This increased the divide between the government, led by the Islamist party Ennahda, and the new coalitions of left-wing and secular forces and parties. At this critical moment, politicians and civil society actors engaged in a difficult but successful National Dialogue: Tunisia's General Labour Union, which had in 2012 and 2013 already launched several initiatives aiming to initiate a National Dialogue, led the formation of a Dialogue Quartet. The Quartet managed to break the political deadlock by successfully facilitating negotiations for a roadmap. It articulated three issues which would be addressed during the National Dialogue: the finalization of the constitution, replacement of the government with a technocrat government, and preparation of elections. Tunisia's 146-article draft constitution was adopted by the Constituent Assembly on January 26, 2014.

The clear focus of the Tunisian National Dialogue was crisis management. Therefore, it was an ad hoc process which was not planned and designed, with a number of actors pushing and pulling in different directions at the same time to avoid further aggravation of the situation. The process did not address other pressing issues raised by the population in the uprising in 2010-2011 which had triggered the political reform process.

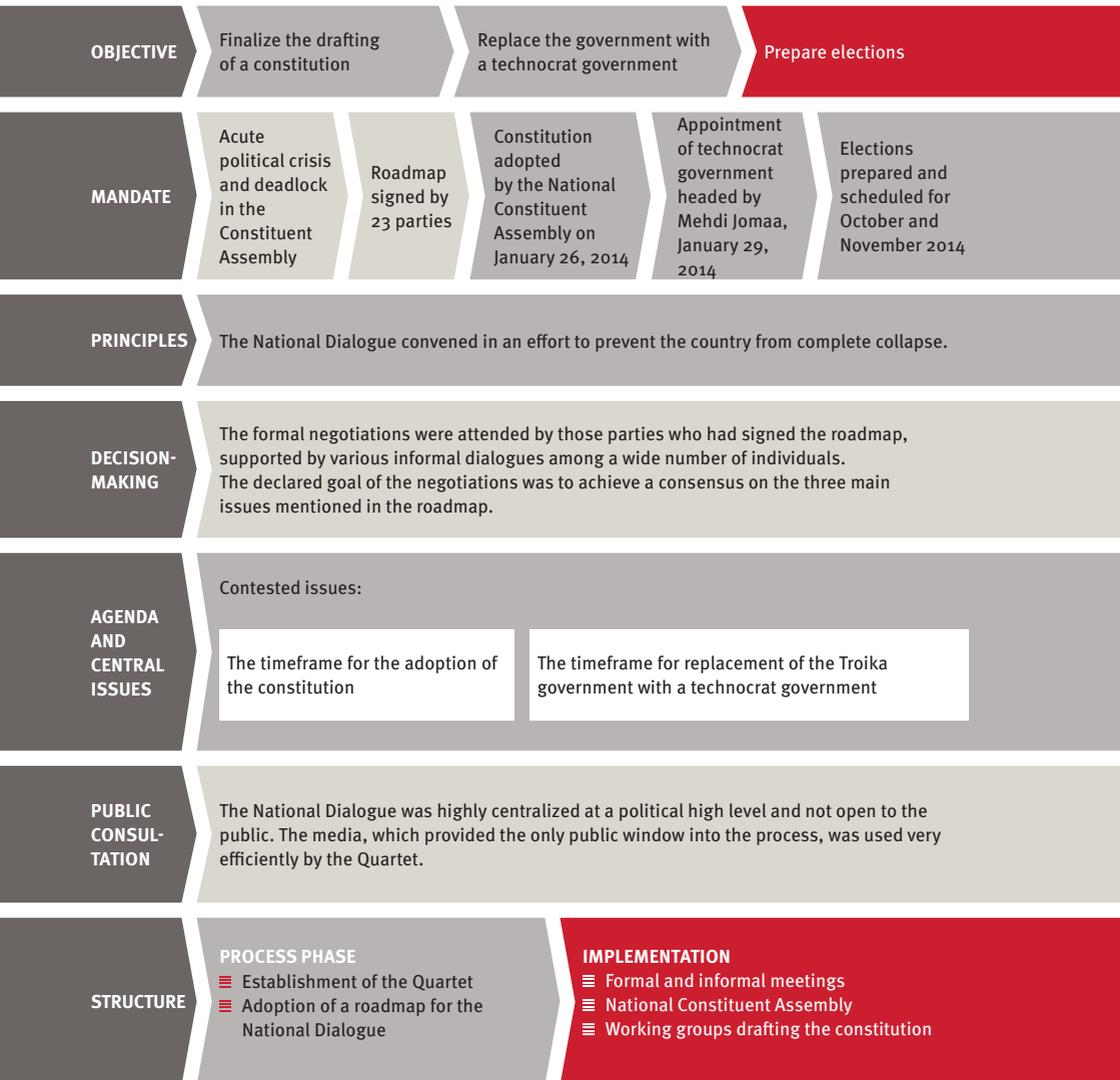
## From popular uprising to the Tunisian National Dialogue



## Tunisian National Dialogue

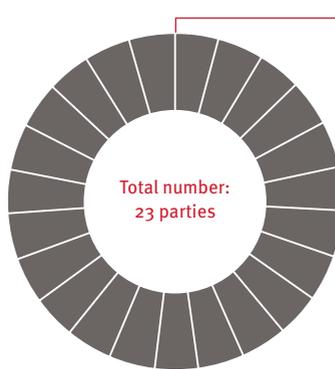
Duration	6 months (July 26, 2013–January 26, 2014). Being an ad hoc crisis management mechanism, the Tunisian National Dialogue did not differentiate between preparation and process phases.
Objective	To finalize the drafting of a constitution, to replace the government with a technocrat government, and to prepare elections.
Mandate	23 out of 27 political parties represented in the National Constituent Assembly agreed to enter into a process of National Dialogue mediated by the Quartet by signing the roadmap on October 5, 2013.
Participation and selection criteria	The Quartet addressed the 27 political parties in the National Constituent Assembly and invited them to accept the roadmap and enter into a process of negotiations and dialogue. Simultaneously, a wide number of individuals and organisations had meetings, corridor talks, phone calls and negotiations to save the country from collapsing. Outside, activists, civil society organizations, party supporters, intellectuals and politicians held demonstrations in an attempt to influence the political process. Signatories to the roadmap included the Islamist party Ennahda, heading the government, and Ettakatol, part of the government, as well as the strongest contender, Nidaa Tounes. The government party Congress for the Republic (CPR) and the party Tayar Al Mahabba (former Aridha party) did not sign the agreement. Attayar Dimokrati and the Wafa party refused to participate from the beginning.
Facilitation	Tunisia's General Labour Union led the formation of the Quartet, a coalition of the Tunisian General Labour Union, the Tunisian Confederation of Industry, Trade and Handicrafts, the Tunisian Human Rights League and the Tunisian Bar Association. The Quartet managed to break the political deadlock through a roadmap re-establishing a framework for the political transition. The Quartet acted as a mediator during the National Dialogue.
International support	The process was supported by the UNDP, the EU, individual countries through the UNDP programme, as well as international NGOs.
Outcomes	The constitution was adopted by the Constituent Assembly on January 26, 2014. It provides for a unitary semi-presidential representative democratic republic with a president serving as head of state, a prime minister as head of government, and a unicameral legislature, the Assembly of the Representatives of the People.
Challenges/ lessons learned	The Tunisian National Dialogue was acute crisis management and addressed a political crisis. Therefore, it was not a planned and designed process, but unfolded in an ad hoc manner. The process took place among politicians and elites and did not include the wider population. It did not address the need for socio-economic reforms raised by the population in the uprising in 2010 to 2011.

## Tunisian National Dialogue 2013–2014



## Process

## SIZE AND COMPOSITION



23

Including the Islamist party Ennahda, heading the government, and Ettakatol, part of the government, as well as the strongest contender, Nidaa Tounes

0

The government party Congress for the Republic (CPR) and the party Tayar Al Mahabba (former Aridha party), as well as Attayar Dimokrati and the Wafa party did not participate.

It is, however, important to stress that the National Dialogue took place at various levels among a wide number of individuals, and at times meetings and dialogues overlapped.

## DISTINCTIVE FEATURES

**Ad hoc crisis management.**

The National Dialogue did not unfold as a well-planned process with a thought-through design but was rather a response to an acute political crisis. Hence, the Tunisian National Dialogue served as an instrument for crisis management, implemented while the crisis was still unfolding. The Tunisian National dialogue was an ad hoc process, with many actors on different levels and several parts of the process taking place at the same time.

**A process mediated by four organisations.**

Amid political assassinations and social unrest, Tunisia's General Labour Union, in an effort to seek a way to a mediated conflict settlement, reached out to the Tunisian Confederation of Industry, Trade and Handicrafts, the Tunisian Human Rights League and the Tunisian Bar Association. In an effort to save the country from breakdown, they negotiated a roadmap for a National Dialogue and later mediated the dialogue process.

When being awarded the Nobel Peace Prize in 2015, the Quartet was acknowledged for their "decisive contribution to the building of a pluralistic democracy in the country".

**Decision-making power in the hands of politicians and older civil society leaders.**

While the Dignity Revolution of 2011 was strongly driven by youth, the National Dialogue placed decision-making power in the hands of established political powers, both on a Track-1 and civil society level.

## Tunisia National Dialogue 2013–2014

Objective: Finalize the drafting of a constitution, replace the government with a technocrat government, and prepare elections

### ACUTE CRISIS AND POLITICAL DEADLOCK

- ≡ Assassination of party leaders Chokri Belaïd in February and Mohamed Brahmi on July 25
- ≡ Mass demonstrations
- ≡ National Constituent Assembly suspended on August 6



### PROCESS PHASE

#### NATIONAL DIALOGUE QUARTET

**Mandate:**

Mediate negotiations between political parties to establish a roadmap and agree on the issues defined in the roadmap.

**Composition:**

Four major civil society organisations

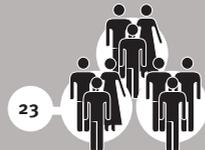
#### ROADMAP

Presented to the parties represented in the National Constituent Assembly by the National Dialogue Quartet on September 17, 2013.

The roadmap provides a framework for negotiations to solve the contentious issues that preclude the successful completion of the transitional period, including three parallel streams:

- ≡ Governmental: Resignation of the government and replacement by a technocrat government.
- ≡ Constitutional: Finalization of a new constitution adopted by the Constituent Assembly.
- ≡ Electoral: Selection of the members of the independent electoral commission, electoral code, election date.

23 out of 27 parties in the National Constituent Assembly accepted a process of National Dialogue following the roadmap with the Quartet as mediator on October 5, 2013.



## Structure

## NATIONAL DIALOGUE PROCESS

**Mandate:**

Agree on the points defined in the roadmap and deal with upcoming issues.

**Chair:**

Mediation by the National Dialogue Quartet

**Composition:**

23 parties signatory to the roadmap, including  
 ■ government parties Ennahda and Ettakatol  
 ■ and the strongest contender, Nidaa Tounes.

The process was, however, based less on formal sessions than on informal talks, not only among the formal delegates but also by actors behind the scenes. The process was also heavily influenced by interventions, demonstrations and sit-ins by government supporters and contenders, as well as by uncritical media coverage. Lacking public consultation mechanisms, the wider population felt excluded.

submit proposals

## NATIONAL CONSTITUENT ASSEMBLY

Votes on the final draft of the constitution

## IMPLEMENTATION

- Mehdi Jomaa appointed as prime minister
- Resignation of the government of Ali Larayedh
- Ratification of a new constitution by Constituent Assembly
- Date for presidential elections set



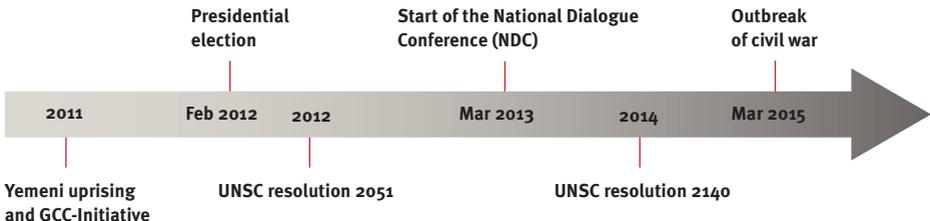
Dec 2013–Jan 26, 2014

# Yemen

Following the large-scale uprising against President Ali Abdullah Saleh and the ruling regime in 2011, the Gulf Cooperation Council (GCC) supported negotiations between the main Yemeni parties and suggested a roadmap to end the crisis. The so-called GCC initiative and its implementation mechanism outlined the steps of a Yemeni political transition process. After a series of negotiations and international pressure, Saleh and the main opposition parties (the JMP-joint meeting parties) finally signed the GCC proposed initiative and its implementation mechanism and Saleh agreed to hand over power to his vice-president in exchange for immunity.

The National Dialogue Conference (NDC) was meant to be the key element of the GCC initiative and its roadmap for political transition and national unity in Yemen. The NDC, mainly prepared by a 25 member-strong Technical Committee under the auspices of Interim President Abdrabu Mansoor Hadi, was mandated to agree on the structure of the political system and to outline the principles for a new constitution. However, due to the outbreak of hostilities in 2014, parliamentary and presidential elections were postponed. Despite these setbacks, the National Dialogue Conference marks a watershed moment for Yemeni society as it had created a huge and rather inclusive dialogue platform where 565 delegates of the various Yemeni parties and components met and discussed over a continuous process of 10 months. Criticised for the perceived underrepresentation of certain actors and a lack of adherence to the otherwise comprehensive and far-reaching agreement reached meant that the outcomes of the NDC largely failed to materialise.

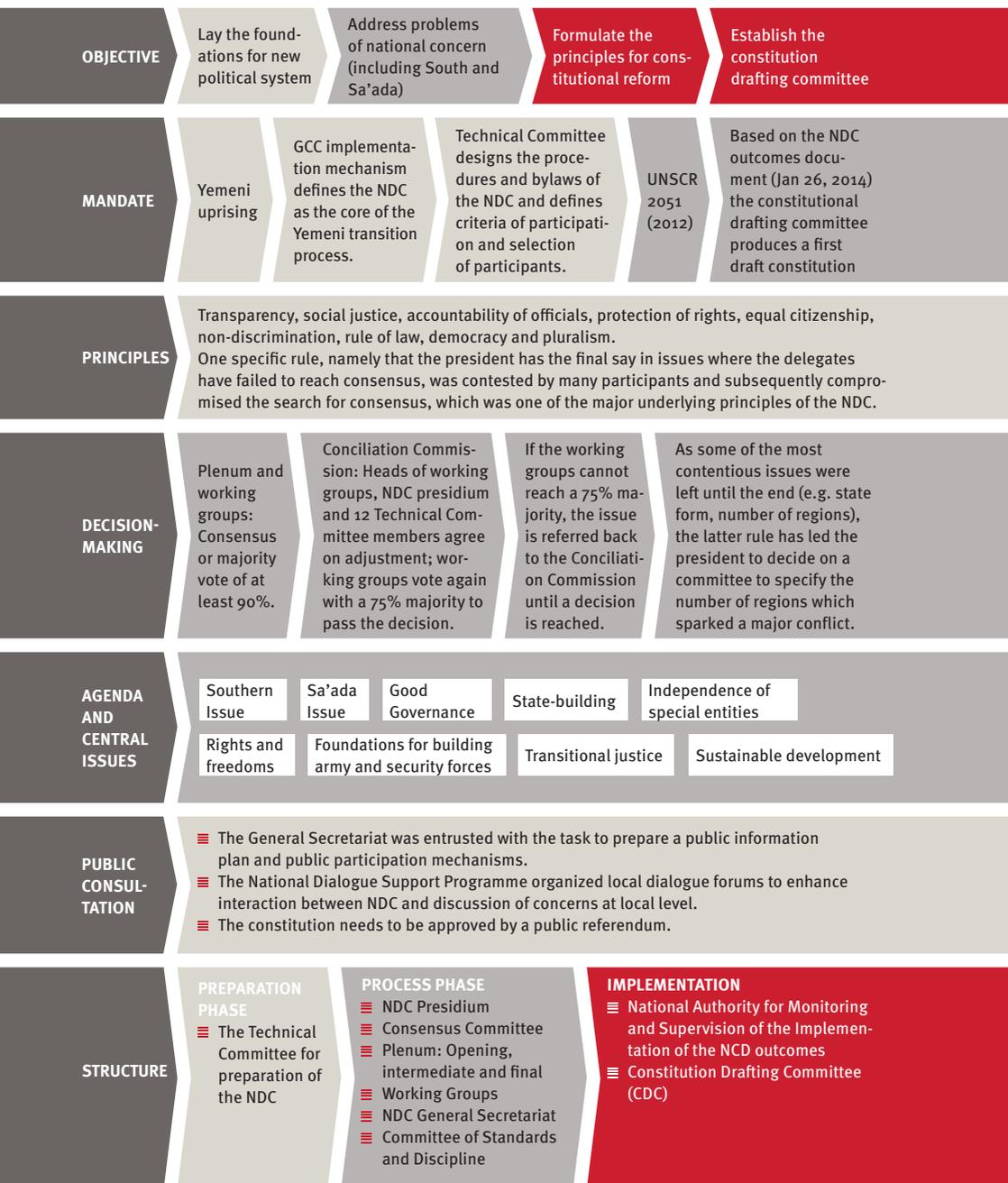
## The 2011 Yemeni uprising and the National Dialogue process



## National Dialogue Conference

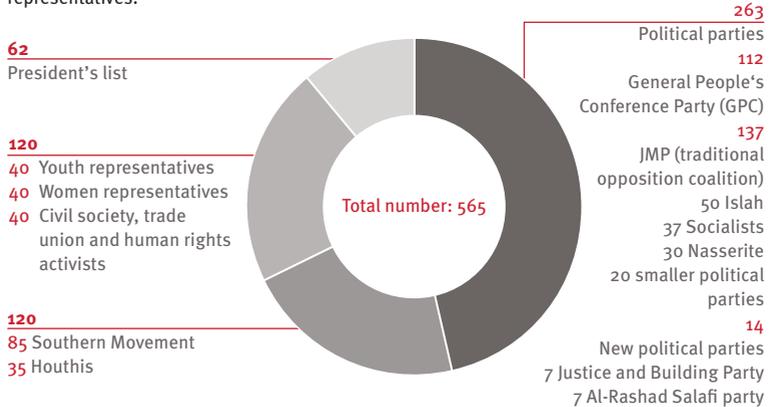
Duration	10 months (March 18, 2013–January 25, 2014)
Objective	To discuss the process of drafting a new constitution, including the establishment of a constitutional drafting commission; formulate the underlying principles of constitutional reform; address issues of a national dimension (Southern and Sa'ada issue); address topics related to transitional justice, societal reconciliation, HR protection, advancement of women and sustainable development. The broader aim of the NDC was to lay the foundations for a social contract aiming at national unity and social cohesion in Yemen.
Mandate	<b>Political mandate:</b> Negotiations and subsequent agreement between the Yemeni ruling party and the main opposition bloc (JMP) <b>Formal mandate:</b> GCC implementation mechanism and subsequent Presidential Decree No.30 (July 12, 2012)
Participation and selection criteria	The criteria for participation were defined by the Technical Committee for the Preparation of the NDC. The main constituencies were defined in the GCC initiative implementation mechanism. No constituencies were excluded although some were or felt underrepresented such as the Hirak movement. During the selection process, political parties and components were each asked to nominate their own delegates in line with the quota of the NDC mandate (30% women, 20% youth, 50% Southerners). Independent women, youth and CSOs delegates were chosen by the Technical Committee after a call for applications and review. Criteria, such as age (18-40 for youth) and non-political affiliation had to be met. The remaining 61 delegates were chosen by the President without clear criteria.
Facilitation	Each of the nine working groups of the NDC elected their own chairperson and vice chairperson and rapporteur who acted as facilitators.
International support	Key international support was provided by the “G10+ countries” (permanent members of UNSC, EU and GCC). Good office support was delivered through the team of UN Special Envoy Jamal Benomar. The role of the UN was mandated by the GCC initiative implementation mechanism.
Outcomes	The NDC outcomes document summarizes the results of the working groups and served as guiding reference for the new constitution. Discussions on the draft constitution could not take place because of the outbreak of the civil war.
Challenges/ lessons learned	Some of the criticism was related to the underrepresentation of the South, especially with regard to the Hirak movement. Furthermore, the absence of confidence-building measures especially in the South and Sa'ada, lack of community involvement and interaction as well as the broad mandate of the NDC compromised implementation of the NDC outcomes. In addition, the weak stance of the central government and presidency also hindered and slowed down the materialization of the NDC outcomes.

## Yemen National Dialogue Conference 2013–2014



## SIZE AND COMPOSITION

Each of the main participating components of the NDC were asked to ensure a 30% quota for women, 20% quota for youth and 50% quota for Southerners in their lists of nominated representatives.



## DISTINCTIVE FEATURES

**Inclusivity of the NDC.**

The process was inclusive in theory, however, two main components were underrepresented, Ansar Allah and the Hirak. The first was only given 30 seats in the conference despite it being one of the strongest forces on the ground. The effect of this marginalization was felt only a year later when Ansar Allah took control of the capital. However, one of the main outcomes of the NDC is the considerable inclusion of youth and women. Due to the quota for representation, women (30%) and youth (20%) had a considerable role during the NDC which has had a substantial impact on the Yemeni society.

**Weak government and presidency.**

The fact that the transitional authority and the government of national unity was mainly internationally backed with little legitimacy among the Yemeni population hindered and slowed down implementation, which contributed to rising tensions.

**Lack of confidence building and disarmament.**

No confidence-building measures were implemented before the NDC apart from the participation of some members from the main components in the Technical Committee for the preparation of the NDC. The lack of any substantial disarmament initiative was especially criticized by experts as armed groups could thus threaten to derail the process. This proved to be a particular problem when addressing crucial issues like transitional justice or military and security restructuring that threatened vital interests of these armed groups or old elites.

**Traditional conflict resolution mechanisms.**

While it would be traditional for Yemeni men to gather in Qat-Chew social gatherings to facilitate consensus, and it is likely that such meetings did occur, there was very strong pressure from the female participants (traditionally excluded from such gatherings) to keep all discussion, and all decision making within the confines of the NDC itself.

## Yemen National Dialogue Conference 2013–2014

Objective: Lay the foundations for a new political system; address problems of national concern; formulate the principles for constitutional reform; and establish the constitution drafting committee

### PREPARATION PHASE

#### CONTACT COMMITTEE

Established by Presidential Decree No.13 (May 6, 2012)

#### Main task:

Support the president in reaching out to the main conflict parties

#### Composition:

8 members selected by the president; the Decree allowed “to seek recourse of those who are regarded as useful to succeed the negotiation process”.

#### TECHNICAL COMMITTEE FOR THE PREPARATION OF THE NDC

Established by Presidential Decree No.30 (July 12, 2012)

#### Mandate:

- ≡ Agree on the National Dialogue format, agenda, rules, logistics
- ≡ Define delegate selection
- ≡ Public information/participation

#### Composition:

25 members selected by the president, later adjusted to 31 members

#### 20 POINTS DOCUMENT

20 points addressing Southern grievances (12 points) and confidence-building with Sa'ada (8 points)

The 20 points were only partly implemented at best.



25



### PROCESS PHASE

#### NDC PRESIDIUM

#### Mandate:

- ≡ NDC representation
- ≡ Overall planning, control and monitoring

#### Composition:

President, 6 NDC delegates, rapporteur and deputy rapporteur, high-ranking party leaders (NDC delegates but also leadership circles of Islah, GPC, YSP, Nasserite, South, Houthis)

#### STANDARDS AND DISCIPLINE COMMITTEE

#### Mandate:

Legal and procedural oversight

#### Composition:

7 judiciary and administrative figures

#### CONCILIATION COMMITTEE

#### Mandate:

Coordination of outcomes, problem-solving and dead-lock breaking, follow-up

#### Composition:

NDC presidium, chairpersons of the working groups, 6 members nominated by the president

#### NDC SECRETARIAT

**Tasks:** Conference management, documentation and coordination of support.

#### Departments:

- ≡ NDC Secretary-General
- ≡ Delegate and member relations
- ≡ Community participation
- ≡ International cooperation and technical support
- ≡ Conference security
- ≡ Operations and administration
- ≡ Documentation



565



# Structure

## PLENUM

### Mandate:

- ≡ Approval of proceedings
- ≡ Approval of final reports

### Composition

565 participants from political parties, movements, woman, youth and civil society



## WORKING GROUPS

**Mandate:** Substantive dialogue and consensus building

Southern issue

solve deadlock

### 8+8 COMMITTEE

Ad hoc committee with 8 delegates from North and South each

Sa'ada issue

Good governance

Foundations for army and security forces

State-building

National issues, national reconciliation and transitional justice

Independence of special entities

Rights and freedoms

Development

## IMPLEMENTATION

### NDC outcomes document

- ≡ With almost 1,800 recommendations
- ≡ Key outcome: decision to transform Yemen into a federal state
- ≡ Guiding reference for new constitution

### CONSTITUTION DRAFTING COMMITTEE

**Composition:** 17 members appointed by the president

Representing various political forces

### NATIONAL AUTHORITY FOR MONITORING THE IMPLEMENTATION OF NDC OUTCOMES

**Composition:** 82 members selected by the president



17



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