

Dilemmas of Ownership, Inclusivity, Legitimacy and Power

Towards Transformative National Dialogue Processes

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Abstract

National dialogue processes offer the potential to channel conflict over the fundamental principles and structures on which the state is based, to help (re)construct inclusive and responsive institutions, and to increase a society's capacity to sustain just and peaceful relationships.

Yet this potential may be lost if the process is little more than a spectacle to give the appearance of legitimacy to a regime consolidating its power – or if it is a mere technocratic event without resonance for the wider populace or those pursuing power by other means. Those supporting national dialogue need to embrace an adaptive paradigm, nurturing the qualities that can support emergent transformative processes.

This paper takes a broad look at some of the decisive qualities needed to underpin more transformative national dialogue processes. It focuses on ownership, inclusion, legitimacy and shifting power dynamics among the key parties and the groups that comprise the society. Each of these qualities is explored conceptually and empirically. Drawing on multiple case studies, learning points are drawn out with the aim of sensitising practitioners to the importance of these qualities so they can cultivate them through strategies and practices in supporting national dialogue.

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This publication was produced in the framework of a two-year project (March 2015 – April 2017) to develop a Handbook on National Dialogues funded by the German Federal Foreign Office in cooperation with the Swiss Federal Department of Foreign Affairs. The purpose of the Handbook is to offer a practice-oriented guide for comprehensively designing and implementing National Dialogues. It rests on participatory methods including 1) strategic dialogue and exchange between local stakeholders, international development and peacebuilding practitioners, and policymakers, 2) a comprehensive mapping exercise of National Dialogues across the world, and 3) in-depth case studies on National Dialogues produced by local researchers on Guatemala, Lebanon, Libya, Nepal, Sudan, and Tunisia. The project is implemented by the Berghof Foundation, in cooperation with swisspeace. This publication is one of three conceptual studies; others include National Dialogue and Constitution-Making and National Dialogue and Development. The overall aim of the project is to improve National Dialogues and enhance the capacities and contributions of conflict parties, local stakeholders and external actors towards their successful implementation.

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1 Introduction

In any society where normal political processes and governance institutions are unable to channel conflict over the fundamental principles and structures on which the state is based, national dialogue offers a potential process to generate a new understanding of state-society relations. Such national dialogue may become a pivotal historical moment, reconstituting the social contract.

Yet this potential may be lost if the process is little more than a spectacle to give the appearance of legitimacy to a regime consolidating its power – or if it is a mere technocratic event without resonance for the wider population or those pursuing power by other means. Transformative national dialogue processes help to (re-)construct inclusive and responsive institutions and increase a society’s capacity to sustain just and peaceful relationships.

This paper takes a broad look at some of the decisive qualities needed to underpin national dialogue processes capable of fostering transformation. It focuses on the qualities of ownership, inclusion, legitimacy and shifting power dynamics among the key parties and the social groups that comprise the society. The concept map in Figure 1 illustrates the interacting characteristics and qualities explored throughout the paper.

The goal of this paper is to sensitise practitioners to the importance of these qualities so they can cultivate them through strategies and practices in supporting national dialogue. Inspiring stories and cautionary tales from national dialogue processes around the world are included to stimulate thinking and awareness of the landscape of change. There can be no predetermined ‘roadmap’ guiding the practitioner in how to travel the journey of transformative process in any specific context. Yet it is hoped that these principles can serve as a compass to help cross unfamiliar terrain.

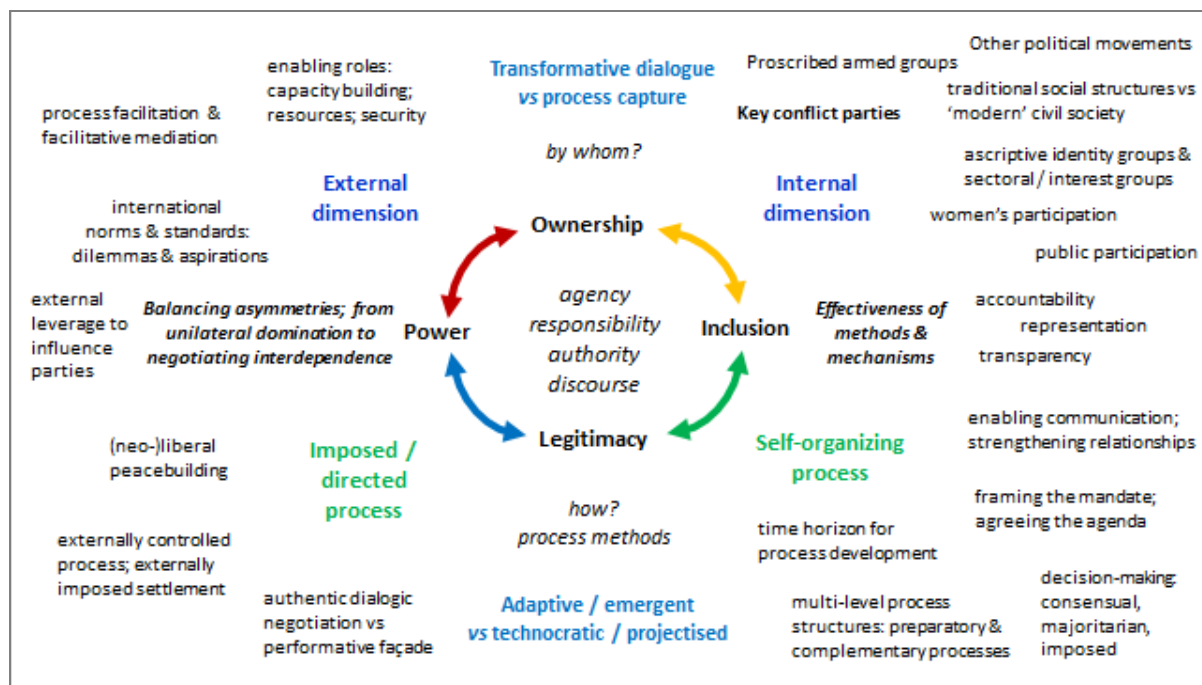


Figure 1: Concept map for qualities shaping national dialogue processes

First, however, to understand why these qualities are so critical to the effectiveness of national dialogue in enabling a ‘step change’, it is helpful to briefly review key characteristics of states and societies where they are typically conducted.

2 Why National Dialogue? Characteristics of states and societies in crisis

National dialogue processes can create a forum to support the transition from autocracy and/or armed conflict. They have also been used to create a larger consensus on major structural reforms to the state. National dialogue can serve as a way for stakeholders to begin the process of developing a path forward out of the crisis of a debilitating political deadlock and, potentially, to craft a framework for more fundamental change.

National dialogues typically take place in societies that are deeply polarised along a major fault line or are profoundly fractured along multiple and intersecting divides that affect the characteristics of the state and governance. Such states are often characterised by some combination of the following qualities.

- ≡ Often, the state has been ‘captured’ by a specific identity group, which runs the state in its interests. Or it has been under the grip of an authoritarian regime for the benefit of its clique and their clients. Large constituencies may perceive that the regime and/or the state has lost all legitimacy due to its abuse of its instruments of coercive power. Governance institutions¹ exclude segments of the population, *de facto* or *de jure* (Holsti 1996). As such, they tend to be perceived as illegitimate by those who contest dominant structures. The World Bank argues that this weakens the “immune system”, undermining the political and social capability for coping with exposure to internal and external stresses.² Consequently, these states and societies are more at risk of conflict and violence, both political and /or criminal (World Development Report 2011, 6-13).
- ≡ In some cases, the legitimacy of the state itself or state structures are contested. In numerous cases, the focal conflict emerges when groups seek to secede from the states in which they were incorporated as the product of colonialism or empire expansion. They may perceive their own leaders and structures as the ‘legitimate’ authorities and reject the legitimacy of the internationally recognised governments. In turn, those same governments and their constituents may reject the legitimacy of these opposition and secessionist leaders, movements and structures. Those who pursue armed insurgency, in particular, may be explicitly de-legitimised by other governments and international organisations – particularly if they are a labelled and/or proscribed armed group or terrorist organisation. Such secessionist-oriented conflicts may pose unique challenges for processes labelled ‘national dialogue’ because framing it as a ‘national’ process may be interpreted as implicitly compromising on the political status questions that are core to the aspirations of the secessionist movement.
- ≡ Resistance to the existing order is typically channelled through self-determination and/or democracy movements or possibly a revolutionary struggle, often waged both through armed insurgency and

¹ The **concept of ‘institution’** is used here and throughout the paper to refer to the informal and formal rules that shape individual and collective behaviour. As DFID observes, “Governance therefore is about relationships between citizens and the state. These relationships are influenced by institutions, the way in which rules – formal (laws and regulations) and informal (shaped by tradition and culture) – affect the way people relate to each other. These institutions are embedded in the way power is held, used and projected in different contexts. They affect relations between men and women in the household, among poor people and elites in communities, and between different political groups in national politics. Improving governance therefore requires institutional change, which often involves changing power relationships through the political process.” (DFID 2007, 6).

² According to the World Development Report, both state and nonstate institutions are important. “Institutions include social norms and behaviours—such as the ability of leaders to transcend sectarian and political differences and develop bargains, and of civil society to advocate for greater national and political cohesion—as well as rules, laws, and organizations. ... countries and subnational areas with the weakest institutional legitimacy and governance are the most vulnerable to violence and instability and the least able to respond to internal and external stresses.” (World Development Report 2011, 17).

through non-violent mass protest movements. However, even if the conflict is settled through a negotiated agreement or a one-sided victory, the state remains at high risk for years to come of armed conflict resuming. According to Call (2012), the most significant cause of civil war recurrence are ongoing patterns of political exclusion. As such, generating a more inclusive state and governance may be the most significant challenge of sustainable transitional processes.

- ≡ In addition to political exclusion, structurally, there are likely to be extensive inequalities between identity groups. These groups may be formed around ethno-linguistic, religious-sectarian, 'racial' and – less commonly – political-ideological boundaries (Gurr 1993). These 'horizontal inequalities' may be manifested in economic, social or political exclusion or differential cultural status (Stewart 2010). While economic and social inequalities are more likely to motivate the mass of the population and provide an incentive for political mobilisation, political inequality and especially political exclusion are most likely to motivate group leaders to instigate a rebellion (Stewart 2010).
- ≡ A key characteristic of resilient states is the dense web of communications and relationships that enable social capital, facilitating cooperation in ways which help the society to function effectively. In weak and conflict-prone states, there is rarely much 'linking' social capital to enable communication and cooperation across conflict divides. There may, however, be high levels of 'binding' social capital amongst members of the same identity group, which may be reinforced by aversion to 'the other(s)' (Varshney 2002). Therefore dialogic processes that enable constructive communication across conflict divides may help to foster greater potential for trust and cooperation.
- ≡ Relations between the social groups inhabiting the country may be characterised by high levels of mistrust or antipathy. In some cases, this may be rooted in a legacy of historical harms, including through mass atrocities, enslavement and ethnocidal attempts to destroy the distinctive identity of oppressed groups. This may have resulted in intergenerational transmission of trauma and narratives of systemic victimhood (Montville 1991, Mack 1991). In the absence of restorative transitional justice processes, the discourse of nationhood becomes bound up in 'enemy images' (Volkan 1988), in which 'the enemy' may well be other citizens in a shared state. Consequently, the prevailing 'us vs. them' narratives impede national integration. Dialogic engagement that helps to create the basis for new narrative frames – and shared action based upon them – can assist in transforming this dynamic and generate the basis for more cohesive states.

While not all of these situations are marked by war, widespread structural and cultural violence means that they can be conceived as 'conflict-torn' societies. Addressing these fundamental structural, political and social challenges can take decades to achieve. Different groups in society need to negotiate decisions on how things are done and work out compromises for the way in which power is shared and resources are allocated. This needs to be accompanied by painstaking efforts to build the capabilities of state agencies and foster public confidence in the legitimacy of state institutions (World Bank 2011). All of this can create disputes and tensions. Developing 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.

Within such a context, a national dialogue process may become the catalyst for systemic change. By their nature, they are political processes aimed at generating consensus among major stakeholders (Berghof Foundation 2017).³ In contexts where exclusion has been the norm, a more inclusive forum where habitually disputing parties can engage with each other in developing joint agreements to address contested issues is both symbolically significant and politically substantial. Done well, they can generate

³ Papagianni argues similarly that: "National dialogues are negotiating mechanisms intended to expand participation in political transitions beyond the political and military elites. Their ambition is to move away from elite-level deal making by allowing diverse interests to influence the transitional negotiations." (Papagianni, ND, 1)

confidence that change is possible and momentum to address seemingly intractable problems. If this then translates into greater inclusion and tangible change in people's lives, it can greatly reduce the risks of recurrence of armed conflict and promote stability.

Unlike more traditional peace negotiations – conventionally conducted as secretive bilateral talks between representative leaders of warring groups – national dialogue can create comparatively open spaces where key people from diverse groupings are able to foster relationships across conflict divides, develop strategies to address grievances, and generate a sense of shared agency and responsibility for making the needed changes. By striving towards a consensus on how contested issues should be addressed, enemies may slowly be transformed into political counter-parts. This can help to generate new narratives that can underpin national integration within a shared state.

National dialogue processes typically occur in a moment of flux that can open the door to more profound change. They therefore present an opportunity to help set the trajectory toward more resilient states and responsive governments. If the process is conceived only as a means to reach agreement on ending a crisis (or even a war), too often the results are a recycling of power within the same basic structures leaving the underlying causes largely untouched (Barnes 2002).

There are a number of characteristics that may increase the likelihood of a national dialogue process fostering a 'step change' in the political settlement and in state-society relations.

- ≡ The substantive agenda and agreements reached address the structural fault lines in the state through constitutional, governance and/or structural policy reform – or lead to follow-on mechanisms that address these issues.
- ≡ The outcomes address state capture and socio-economic exclusion through more inclusive governance and resource capture.
- ≡ Immediate priority during the transitional process should be given to citizen security, justice and employment (World Bank 2011). National dialogue processes can spotlight these issues and focus attention on developing contextually appropriate strategic priorities to guide ways of addressing these cross-cutting goals.
- ≡ The process enables parties to acknowledge historical harms, paving the way for restorative and redistributive justice and reconciliation, and creating the basis for a new and more inclusive national discourse.
- ≡ The formally constituted national dialogue is either explicitly formed within or else stimulates a cascade of multi-level, multi-format socio-political dialogue to foster constructive interaction within the society across conflict divides, helping to generate greater trust and linking social capital.

2.1 Fostering Transformative Potential: Ownership, Inclusivity, Legitimacy and Power Dynamics

Not all national dialogue processes are created equal, however; nor do all forums labelled as national dialogues achieve the potential described above. The transformative potential of national dialogue processes may only be realised if they:

- a. include those groups affected by the issues addressed,
- b. are 'owned' by the main stakeholders,
- c. have legitimacy in the eyes of their constituent base and the wider society, and
- d. unfold within a process that is able to help balance power asymmetries so as to enable collective engagement in generating mutually agreed outcomes, and

- e. result in agreements leading to outcomes that make a substantial difference in the lives of the different constituent groups in society.

There is a systemic interaction between the qualities we label ownership, legitimacy, inclusion and power dynamics for the effectiveness of a national dialogue process. Inclusivity can be the enabling factor to both if it becomes a pathway towards a sense of shared ownership of the process and increases the likelihood that the outcomes are broadly perceived as legitimate within the cross-sections of society that have been divided by conflict. Exclusion tends to reinforce existing power asymmetries in the wider polity and entails the opportunity cost.

Yet the ideas of ‘ownership’, ‘legitimacy’ and ‘inclusion’ are all too often deployed rhetorically without being grounded in a deeper conceptual understanding of their origins and relevance. Furthermore, they can be discussed in ways that ignore the existing power dynamics inherent in the context and lead to a naïve approach to engagement. It is necessary to move beyond rhetoric to formulate principles and strategies to nurture these qualities.

3 Ownership: cultivating agency and shared responsibility

The quality of ‘ownership’ is as intangible as it may be determinative in whether a national dialogue process can serve as a mechanism for fundamental change.

As a descriptive characteristic of social processes, ‘ownership’ tends to provoke an intuitively compelling and yet ambiguous sense of meaning. Because of its evident moral power, there is a temptation to deploy it rhetorically. Yet empty proclamations of ‘ownership’ may obscure questions of how to cultivate it or a more probing exploration of who is benefiting from a particular process. It may therefore be useful to first problematise ‘ownership’ conceptually in order to then systematically consider what it means, why it is relevant, and the implications for strategies to cultivate it within process design and development.

3.1 What do we mean by ‘ownership’ of political processes?

In English, ‘ownership’ is a noun referring to the state or fact of owning something; the legal right of possession; or of proprietorship. It has also come to mean “an attitude of accepting responsibility for something and taking control of how it develops” (Macmillan Dictionary Online). One diagnostic of the transformative potential of a specific dialogue process is to assess who, specifically, feels this sense of responsibility for the process – including for how the process develops and the outcomes that emerge. ‘Ownership’ in this sense is closely related to the quality of agency or “the capacity, condition, or state of acting or of exerting power” (Merriam-Webster Dictionary Online). Ownership is therefore fundamentally entwined with power dynamics, as will be explored below.

A defining characteristic of periods of crisis and transition is the way in which both established and newly emerging political, economic and social elites mobilise to advance their position and goals. As such, they cause their agency to enact their ownership of a change process, aspiring towards a beneficial outcome for themselves and their constituents. In this sense, the quality of ‘ownership’ is intensely political.

Nevertheless, ownership does not need to be a zero-sum quality. It is possible to foster a sense of shared agency, resting on a foundation of collective intention to participate in a common endeavour (Roth

2011). Dialogic engagement within and across conflict divides can potentially give rise to a shared sense of ownership.

From unilateralism towards interdependence through shared ownership: Groups divided by conflict typically struggle over ownership of process and of outcomes, as they seek to prevail unilaterally over the others. The dynamic is based on the logic of ‘us’ vs. ‘them’ and that ‘if you get what you want, we cannot get what we want’ and vice versa. The strategy of most contending groups is often based on the aspiration of imposing their preferred outcome on their opponents. If contesting groups agree to engage with each other dialogically to address contested issues, they may be on a path moving away from a ‘winner take all’ contest toward joint responsibility for finding mutually beneficial outcomes. This can begin the shift from unilateralism to a recognition of interdependence in a shared future.

Thus, if those who have been divided by conflict are able to feel joint ownership of a process, it may mark the beginnings of a shift in recognition of interdependence. In contexts where the state is widely perceived as having been captured by a specific group, a more inclusive national dialogue that is perceived as legitimate can be a powerful signal of a break with the past and help to generate confidence in institutional reform.

In the highly unstable contexts in which national dialogues are undertaken, tensions are likely to be experienced through procedural disputes over the mandate of the process, the substantive agenda, who participates and in what roles and capacities, and the facilitation and administration of the process.⁴ In this sense, the parties are already negotiating their relationship as well as the symbolism of their causes. They are, in effect, negotiating shared ownership of the process with an eye toward the likely outcomes. The fact that key parties are willing to address these barriers and to take the risk of engaging with each other publicly is a powerful indication that conditions are ripe for the process.

Opportunity costs of captured, imposed and technocratic processes: This opportunity is lost, however, if the process is either captured by one group (or coalition of interests, as happened in Afghanistan) or if the process is perceived as being controlled by external actors – either to further their own strategic interests (such as the United States in Iraq) or as a technocratic exercise by international bureaucrats fulfilling an international mandate (such as the Arusha process for Darfur).

Overly instrumentalising national dialogue as a routine prescription for international peace support operations could well run this risk. The temptation to add a hastily conceived *pro forma* national dialogue event to do little more than rubberstamp agreements derived elsewhere may not only be ineffective but may also generate cynicism about all such processes. This can entail considerable opportunity costs by undermining the credibility of dialogue and negotiation as a means of dealing with the most serious challenges.

In Libya, for example, it seems that the largely externally sponsored process of constitutional negotiations in 2013 never became the centre of gravity for working through the political contest to determine the nature of the post-Gaddafi state. According to Fetouri (2015), there was insufficient political commitment from the factions which were already mobilising militias, it was disconnected from the more organic tribal base of society, and civil society was too weak and poorly organised to serve as a driving force.

The impetus and drive for national dialogue therefore needs to originate in the society concerned:

A range of political and social actors need to believe in its potential to be a viable forum through which to

⁴ Negotiation theorist Jayne Docherty (2005) argues that all negotiations occur within a context that is itself negotiated and subject to change. Instability within the relationships is likely to manifest in disagreements over the issues that can be negotiated, the norms of behaviour that govern the process and their interactions, the standards of fairness to resolve disagreements and the outside parties that will be used to help their negotiations. The parties must have a mutually acknowledged relationship, agree that there is a conflict that could be amenable to a negotiated resolution and recognise that the other(s) is/are a legitimate negotiation partner. They also have to agree to a common frame for the process in which they will interact to address their differences (Docherty 2005, 19-25).

address their grievances and to further their aspirations. There is no substitute for the political will of local elites (both established and emerging) who perceive the process as the most viable way to work through conflict and address their concerns. If they participate primarily because of coercion or externally derived incentives – ranging from international recognition and increased legitimacy through to per diems or access to other resources – the ‘national dialogue’ may become a mere performative façade or technocratic exercise. There is unlikely to be a transformative effect on the substantive issues or relationship patterns underlying the fault lines.

Ownership by whom? From ‘national’ to ‘local’: Nevertheless, it would be a mistake to conflate elite ownership and local ownership. Even if state-level political elites are the main interlocutors with external actors, on their own they may be unable to legitimise peacebuilding processes at the grassroots level, connect state and citizen, or reconcile international norms with local realities (Machold and Donais 2011).

A shift to support for more inclusive political processes may necessitate a change in who international actors perceive as the legitimate interlocutors for their engagement. Historically, national governments – as the sovereign representatives of states – were the only relevant partners. Increasingly, however, ownership is seen as also residing in local governments, communities and civil society. The rhetorically subtle shift of referring to ‘local ownership’ enables recognition of and engagement with a plurality of groups by international actors – albeit only those deemed legitimate.⁵

Local civil society structures can be another way of channelling diverse public interests, values and identities into national dialogue and peace processes to increase broader ownership of the process (Barnes 2002, 2005 and 2009, Paffenholz 2014). Yet too often, external agencies instrumentalise domestic civil society groups as agents of an externally driven peace process they conceive of themselves as leading (Machold and Donais 2011). This can discredit these potentially important groups in the eyes of the wider public, who may perceive them as motivated by donor money or acting in the interests of external agendas. As such, international organisations treating local civil society as implementing partners can inadvertently weaken their capacity to generate local ownership of dialogue processes.

3.2 International peacebuilding and Ownership

“While every post-conflict situation is unique, the United Nations has accumulated a broad range of experience, and we have learned many lessons from supporting dozens of countries emerging from conflict. First and foremost, we know that peacebuilding is a national challenge and responsibility. Only national actors can address their society’s needs and goals in a sustainable way.” – Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (2009, 4)

Practitioners have long understood the tensions and potential contradictions between the implementation of international peacebuilding mandates and the rhetoric of ownership. The issues are complex. While a full exploration is outside the scope of this paper, three sets of challenges are identified here: the strategic interests of external actors; the prevalent paradigm of international peacebuilding; and the bureaucratic imperatives of international peace operations. Underpinning all of these is a risk of instrumentalising national dialogue to advance external interests or as part of a formula to bring states in line with externally formulated settlements.

⁵ This rhetorical shift may be analogous to the profound implication inherent in the shifts in the discourse from ‘national security’ to ‘human security’ or from ‘national development’ to ‘human development’.

National interests and international peacebuilding: National ownership of a national dialogue process is sometimes subverted by the strategic interests of foreign governments, which use their influence to shape the mandates and approach taken by intergovernmental organisations.

Understandably, foreign governments determine their responses to any specific conflict situation within the wider context of their interests and values. In some cases, there may be deep divides amongst key governments in their approach to a specific conflict situation, which is then subsumed in a wider contest between external powers. In other cases, convergence in the interests and preferences of key external governments results in their combined influence to determine the strategic goals and objectives for any conflict settlement, in ways that may predetermine what can be achieved through national dialogue and political negotiations.

Similarly, international interventions are often driven by the interests of only a few of the more powerful countries (OECD 2012, 50-51). Where the interests of powerful states converge, there may be greater synergy in the overall approach taken by the international actors. The OECD recommends supporting peace processes through international (especially regional) organisations and working with ‘insider mediators’ as two ways to avoid the excessive dominance of other states’ strategic interests (OECD 2012, 51).

Yet the agenda, framing and goals of the international community may not be directed toward supporting national dialogue that is ‘owned’ by the national stakeholders. **Security and counter-terrorism concerns may translate into the goal of defeating an armed insurgency** proscribed as a terrorist organisation, such as the Taliban’s exclusion from national dialogue processes in Afghanistan, or, less often, coercive intervention made against what is seen as a pariah government.⁶

Box 1: Afghanistan 2001-2004: military strategy trumps political process

Afghans led the 2003 Constitutional Loya Jirga (CLJ) and decided its outcomes. Yet in many ways, both the overall transitional process and the series of national dialogues that sought to legitimise it – including the 2001 Bonn Conference, the 2002 Emergency Loya Jirga and the Constitutional Loya Jirga in late December 2003 to early January 2004 – were shaped by the alliance of the US-led coalition and the interim government of Hamid Karzai that it had installed.

The *loya jirga* ‘dialogue’ processes were not designed to be a forum for conflict resolution and peacemaking. Instead, the Taliban were repeatedly excluded from participation in *loya jirgas*. The coalition’s military goal of defeating the Taliban trumped a political strategy to create an inclusive settlement. At the same time, the *loya jirgas* followed the logic of ‘political expediency’ to incorporate the regional governors and military commanders aligned with the Northern Alliance. A number of them were despised ‘warlords’ who were widely acknowledged to have been implicated in war crimes and human rights violations during the Afghanistan civil war. Yet they continued to control the territory and political decision-making in their spheres of influence. This included determining participation in the *loya jirgas*, where it seems that many delegates did not feel free to voice the distinctive interests of the public in their districts. Indeed, there appear to have been few opportunities for participants to engage with each other in an authentic deliberation of the substantive agenda of the conferences, meaning that core conflict issues could not easily be addressed through these processes.

Nevertheless, the Constitutional Commission made considerable efforts to cultivate public participation in the process. The CLJ was formally representative, consisting of 502 delegates chosen by 20,000 local leaders. Yet there are credible allegations that regional powerbrokers were able to choose and then to tightly control delegates from their regions, helping to further consolidate the system of ‘strongman politics’.

⁶ Sometimes the imperative of securing a counter-terrorism or energy security goal, for example, can lead to actions that fatally undermine a peace process which, if successful, could have helped to achieve those other goals far more durably in the long term. Policies such as proscribing armed groups as terrorist organisations create significant obstacles to engaging with them and exploring prospects of a negotiated resolution of conflict. Balancing seemingly conflicting priorities is doubtless an eternal dilemma for governments. Yet decision-makers need to become better aware of why conflict resolution may be key to creating conditions in which many other policy goals can be achieved and should therefore be given much greater priority in determining government strategy and action.

Furthermore, the substantive parameters of the text were drafted by the government and merely submitted for ratification by the CLJ. Measures to address highly disputed issues, such as the government structure and language rights, were not decided at the *loya jirga* but behind closed doors by key leaders. As such, the constitution did not emerge out of the dialogue. Indeed it might not have been ratified had it not been for heavy pressure by the USA, UN and wider international community (Human Rights Watch 2002, Papagianni 2005).

At other times, **normative commitments to international law and standards may forestall a genuine negotiation over key conflict issues**. For example, the agreement brokered by the UN and the Gulf Cooperation Council and the subsequent UN Security Council Resolution 2014 mandating the Yemen National Dialogue specified the principles of unity and territorial integrity. This framed the process in ways which meant that those advocating secession of the South did not perceive the process as able to address their core concerns and in the end – especially within the time constraints also specified by agreement – these issues were never satisfactorily resolved through the process (Hassan and Eshaq 2014, Planta et al. 2015, 12). It is impossible to know whether the subsequent return to war in Yemen could have been prevented had all the main stakeholders felt that they broadly owned the process and could work within it to reach an understanding of how to address contradictory interests. However, it is possible to speculate that the ways it was framed helped to shore up certain interests and perspectives while marginalising others.

Even the desire to promote international norms of humanitarian protection and human rights can impede local and national ownership of high quality processes to resolve the conflicts giving rise to violations. For example, in the Abuja process for Darfur, the laudable goal of deploying peacekeepers effectively trumped the needs of a developmental process that would bring the warring factions towards a sustainable settlement to end the fighting that was leading to mass violations (De Waal 2008). All these competing goals and agendas can swamp the space for a negotiated peace process and national dialogue and send mixed signals to the conflict parties (Barnes and Griffiths 2008).

Box 2: UN Security Council Resolution: framing the Yemeni National Dialogue

International bodies may sometimes create an enabling framework for national dialogue that draws upon different various ‘baskets’ of law and normative standards. In October 2011, the UN Security Council passed Resolution 20147 condemning human rights violations by the Yemeni authorities, explicitly recalled the Yemeni Government’s “primary responsibility to protect its population” and urged an inclusive Yemeni-led political process for the transition of power “that meets the legitimate demands and aspirations of the Yemeni people for change”. This resolution also explicitly called for “the need for the full, equal and effective participation of women at all stages”. This shored up participation by women and youth in the process. Yet it is also clear from the resolution that the Security Council was concerned with the substantive outcomes of the agreement, including its “strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen”. As the status of south Yemen was a major contested issue, this framed which issues and aspirations could be considered ‘legitimate’ and were therefore to be addressed through the process of dialogue. The subsequent failure to meaningfully include influential factions within the Hiraq leadership of the Southern Movement which had been promoting secession prevented the development of joint ownership over the process and the outcomes. This frame created a seemingly insurmountable obstacle to reaching a genuine consensus on how to address the north-south conflict. Therefore a key driving factor in the conflict system was not addressed (Hassan and Eshaq 2014, Planta et al. 2015, 12).

‘Liberal peace’ paradigm: Many of the explorations of ownership and peacebuilding in general are of relevance to the discussion of external involvement in national dialogue processes in particular. International engagement in the mainstream peacebuilding field has been criticised as the imposition of

the dominant 'liberal peace' paradigm that conflates peace with the fabrication of secure and stable neoliberal states (Pugh, Cooper and Turner 2008, Richmond and Mitchell 2011, Mac Ginty and Richmond 2013). Key donors, the UN and other international actors are seen as exporting standardised processes in ways that tend to privilege the goals of international actors, often excluding the needs, goals and norms of local actors. Mac Ginty and Richmond argue that "internationals are accused of taking the moment of most vulnerability in a post-conflict society as an opportunity for complete reconstruction" in ways that are analogous to the international financial institutions' Structural Adjustment Programmes of the 1980s (2013, 773).

There are signs that this criticism has been accepted at some level in international policy circles focused around statebuilding and peacebuilding. During the deliberations leading to the 2011 New Deal for Engagement in Fragile States, the OECD/DAC's Director Richard Carey observed: "*The idea of state-society bargaining as the basis for building more effective, legitimate and resilient states... helps to shift thinking from a focus on transferring institutional models towards a focus on the local political processes which create public institutions and generate their legitimacy in the eyes of a state's population.*" (Jones and Chandran 2008, 3).

National dialogue processes would epitomise such local political processes. Yet it remains unclear how support to such political processes is operationalised in external actors' practice. From the international organisation perspective, operationalising a commitment to 'national ownership' may mask fundamentally different assumptions. These can range from equating it with the need for local 'buy-in'" to what is essentially an externally designed peacebuilding agenda, to the belief that local ownership can only be realised when the agenda and processes are developed and carried out by local actors, with outsiders in a supporting role.

Operational constraints: bureaucratic and normative dilemmas

UN officials often experience tensions between normative commitments to ownership and achieving programming goals, thus bringing normative and operational obligations into conflict. According to von Billerbeck (2015), one barrier to enacting the value of local ownership is the essentially bureaucratic driver of achieving programmatic output objectives. Her research finds that the UN peacebuilding practices typically operationalise ownership restrictively, privileging their own capacity to achieve operational goals at the risk of increasing imposition and limiting self-determination by local actors.

The use of conditionality by donors as a means of steering the policy behaviour of national actors in particular directions also raises fundamental questions about the relative status and priority that is given to fulfilling the ideal of national (local) ownership. Yet perhaps an even more fundamental challenge is the tension inherent in consistently upholding the profoundly liberal normative values inherent in UN standards while simultaneously enabling local actors who may well be rooted in traditional and possibly illiberal values and behaviours. This tension often comes to the fore in relation to gender issues and in engaging with conflict actors, as will be explored in the section on inclusivity.

4 Inclusivity: a Dialogue Between Whom?

"Local and traditional authorities as well as civil society actors, including marginalized groups, have a critical role to play in bringing multiple voices to the table for early priority-setting and to broaden the sense of ownership around a common vision for the country's future. The full participation of women in these processes is essential..." 2009 Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (United Nations 2009, 5)

Perhaps the hopeful promise offered by the national dialogue process method, in contrast to many other approaches in response to conflict and crises in states – such as bilateral negotiations or military-based peace operations – is its intrinsic potential to enable the multiple voices in society to engage more fully in generating a common vision for the country’s future. The multi-party talks in Northern Ireland, for example, were designed based on the logic that “if you are a part of the problem, then you need to be part of the solution” (Fearon 2002, 78). The converse may also be true: if you have something valuable to offer, you should be part of the solution.

Complicating the process or increasing durability? There are often concerns that an inclusive, multi-party process complicates a mediation process in ways that undermine efficacy (Jarstad and Sisk 2008). Yet there are also indications that inclusion of a wider range of civil society and political actors in a peace settlement process greatly increases the durability of the process. Wanis-St. John and Kew (2008) suggest that civil society actors may be most needed in the peace negotiations where the warring actors are generally undemocratic. Nilsson’s (2012) statistical analysis shows that inclusion of civil society actors and political parties in combination in processes for reaching peace settlements significantly increases the durability of peace. While this research is not specifically on national dialogue processes *per se*, it is likely that national dialogue process formats enable precisely the sorts of inclusive peace negotiations that increase durability.

Human rights norms and inclusion: There are ongoing debates about whether the value of inclusivity in peacebuilding more generally is due to the obligation to fulfil normative commitments (based in the ‘right to participate’, as enshrined in various national and international standards) or because of its efficacy in bringing about more sustainable outcomes (Paffenholz 2014). This is a false dichotomy. The normative standards have been created in order to address the sources of deep-seated injustice which, if left unaddressed, are likely to lead to the conditions that generate conflict and violence – this creates the need for more efficacious responses to conflict. Viewed from a systemic perspective, therefore, human rights norms underpin well-functioning, peaceful societies. Yet norms are little more than ideals if they are not effectively fulfilled through actual social, economic and political processes and structures.

This section explores the rationale for inclusion from a systemic perspective, dilemmas of representation and accountability in inclusive national dialogue processes, and then examines several key dimensions and dilemmas in working with inclusion in ways that may help to enhance collective ownership and the overall legitimacy of the process.

4.1 Inclusivity and the conflict system: towards activating ‘whole of system’ change?

All of the contexts in which national dialogue is explored as a process for supporting conflict resolution involve complex adaptive conflict systems. In conflict systems, the ‘parts’ include the actors, issues, attitudes, behaviours, organisation and structures that interact with each other to form a complex dynamic (Ropers 2008, Körppen et al. 2011).

As noted above, the high levels of polarisation and fracturing that prevail in most of these contexts means that a deterministic and fixed conflict narrative tends to drive the system of interactions between different social and political groups. Simplistic and polarised narratives are significant in locking in the intractability of conflict (Coleman 2011). National dialogue processes offer the possibility of shifting the nature of interactions between the actors in a conflict system by transforming the perceptions of the protagonists toward each other, helping their thinking to become more complex and nuanced, creating

new ways of addressing contested issues, and – through the experience of collaboration – altering the system rules of relationships previously locked in us-versus-them, zero-sum thinking.

As such, if the intention of the national dialogue is to support the potential for systemic change, then inclusion becomes fundamental to the design and strategy of the process. Unlike conventional peace mediation, in which negotiations are typically structured as bilateral talks between two ‘sides’, national dialogue processes may be capable of engaging the ‘whole system’ by involving participants who, together, can serve as a microcosm of the whole.

The principles underpinning representation are enacted through specific kinds of process design. There tend to be three main modalities for inclusion (Barnes 2002):

- ≡ **representative participation** through political parties;
- ≡ **consultative mechanisms** where political parties, civil society and other groupings have an opportunity to voice views and formulate recommendations; and
- ≡ **direct participation**, where all interested individuals engage in a process of developing and implementing agreements to address the conflict (which is only feasible in sub-national processes that support an overall national process).

These modalities can be incorporated into such negotiation formats as broad-based multi-party negotiations, national dialogues and constitutional conventions. Given the ‘national’ scope of national dialogue, it is therefore valuable to develop channels enabling the interests, aspirations and values of different component elements of a society to be represented in the process. There are multiple dimensions of inclusion that can be taken into account in efforts to create whole of system dialogue processes. These include:

- ≡ Most obviously, those who have mobilised to contest the existing system relationships, meaning **the main conflict actors**. This does mean, however, also finding appropriate ways of involving conflict actors who are perceived as ‘difficult’ (such as the Inkatha Freedom Party in South Africa’s negotiated transition) or even as terrorist organisations (as was accomplished in Northern Ireland’s Belfast talks). These challenges are explored further below.
- ≡ It can also involve a demographic dimension, ensuring that the composition of the **participants in the process reflects the demographic of the country or region**. This includes standard demographic considerations (many with normative standards for inclusion), such as gender, age and ethnicity. But some categories may be contextually relevant, including religion, political affiliation, or geographic region. Demographically representative inclusion can enable participation by people who are typically so marginalised that they are overlooked by power players in most political processes. With adequate preparation and capacity building, they can contribute priorities, perspectives and ideas that connect deeply with the concerns of ordinary people. For example, the Northern Ireland Women’s Coalition pushed strongly for the inclusion of victims’ rights, a key concern of many ordinary people, in the official talks and in the Belfast Agreement. As the agreement needed to be ratified through public referendum, it was arguably a factor that contributed to the ‘yes’ vote.
- ≡ In addition to mirroring the demographic features of the society, it is possible to design dialogues around the organic structures through which a specific society is constituted. In some societies, these are based in longstanding identity groups such as ‘tribal’ affiliations, as in Libya. In others, there are more modern forms of civil society structures that express sectoral interests and values widespread in the population. For example, Guatemala was able to foster whole of system national dialogue by enabling sectoral engagement in the peace process (see Box below).
- ≡ A further option may be to **include key people** whose involvement may increase the likelihood of success. Weisbord and Janoff suggest, for example, the importance of involving those with the authority to make decisions, those who can contribute resources (time, money, access and

influence), those who have expertise on the issues and those who have information that others need, and those who have a need to be taken into account and will be affected by the outcomes (Weisbord and Janoff 2010, 48). There are also people who serve as **brokers and 'boundary spanners' by using their relationships and influence to connect members of disparate networks**. They often bring material and political resources – such as money, votes, organisations and alliances – as well as cultural resources, residing deeply in members' shared understandings, symbols and narratives of collective memories (Goddard 2012). They may be political activists, religious leaders, or leading intellectuals. Their capacity to mobilise the networks through which a society is structured and to communicate a new discourse emerging out of the dialogue can help to generate legitimacy for the process and agreements reached (Goddard 2012, Lederach 2005).

Box 3: Guatemala – sectoral dialogue redefining the negotiation agenda

The peace accords finalised in December 1996 brought a formal end to a war that had lasted intermittently for 36 years. They included almost 200 substantive commitments which, if implemented, would have brought significant changes to the structure of the Guatemalan state and society and gone some way towards addressing issues that many believe are the underlying source of protracted conflict. The scope of the accords was due partially to several mechanisms which enabled representatives of organised sectors of civil society to discuss problems largely untouched in public discourse for decades and which helped reframe perceptions of the conflict. Through these discussions and subsequent lobbying efforts, civil society representatives helped to shape a negotiating agenda and then contributed proposals on how to address substantive issues.

The Central American peace process led to the creation of a government-sponsored and church-led National Reconciliation Commission consisting of representatives of the 12 political parties, the government, the army and the Catholic Church. In 1989, it organised the Grand National Dialogue based on talks with 47 sectoral organisations, such as unions, business associations and agrarian cooperatives. The aim was to identify and promote consensus on the major topics of concern to peacemaking. The participating organisations identified the issues they wanted to discuss. A key substantive outcome was the recommendation that negotiations should address the structural conditions generating conflict, rather than focus only on arrangements to end the military confrontation. It was the first time that the problems generating conflict were discussed openly in the public arena.

Although it did not result in conclusive outcomes, the analysis was vitally important several years later when it helped to define the official negotiating agenda between the Guatemalan National Revolutionary Union (URNG) and the government. Furthermore, it set the stage for the involvement of the public and transformed the closed characteristics of the peace negotiations. The demands for political negotiation stopped being the exclusive concern of the warring parties. They, in turn, started to realise that a solution to the armed confrontation had to involve civil society. The social participation that the Grand National Dialogue enabled decreased the perception of the conflict as a purely military issue and gave it a political nature.

In 1994, bilateral talks between the government and the URNG – mediated by the UN and supported by key countries in the 'Group of Friends' – resumed in earnest. Under internal pressure from civil society, they agreed to create a **Civil Society Assembly (ASC)** involving the diverse sectors of organised society to accompany the official negotiations. It comprised most of the sectors that had also participated in the Grand National Dialogue. Notably, women's organisations, which had not been included as a sector in the Grand National Dialogue (although women were members of delegations from other sectors), used the opportunity that opened up in the ASC to claim a role as one of the sectors.

Only the government and URNG would discuss the specific arrangements for ending the military confrontation. But the 'substantive agenda' for the talks would first be deliberated by the ASC. Their mandate was to formulate consensus positions on six of the seven main topics on the formal negotiating agenda. These agenda items were grouped under the thematic headings of: the role of civil society and the army in a democratic society; identity and the rights of indigenous people; constitutional reform and the electoral system; socio-economic and agrarian reform; and resettling refugees and IDPs.

The ASC was charged with making proposals to address the substantive issues on the rest of the agenda. The ASC would, in turn, review the final agreements signed by the parties on substantive issues and could endorse them “so as to give them the force of national commitments, thereby facilitating their implementation”, but the ASC did not have the power to veto those it did not endorse. 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. (Based on: Alvarez and Palencia Prada 2002)

4.2 Inclusion: representation and accountability

The quality of ‘inclusion’ needs to be clearly distinguished from ‘representation’. No matter how large-scale or inclusive a process, it is inconceivable that a national dialogue will ever be able to engage all citizens in a deliberative process. Therefore mechanisms for representation are needed to channel diverse identities, interests and ideas into the process. To represent can be understood most simply as to ‘make present again’. Conceptually, *representation* occurs when a person (or a group of people) speaks for or acts on behalf of the interests, beliefs and values of the many; they serve as a proxy for ‘the many’ whom they represent in that process. Based on this definition, representation is the activity of making constituents’ voices, opinions and perspectives ‘present’ in the decision-making processes. Representation occurs when actors speak, advocate, symbolise, and act on others’ behalf (Pitkin 1972). Determining who can represent significant socio-political constituencies within a national dialogue process is challenging. This is not such an issue in the fora where all stakeholders are directly participating. But in national dialogues, there is always an implicit – and sometime explicit – understanding that people are participating because they are emblematic of wider interests and concerns in society (or, indeed, may be the decision-makers in how those interests will be acted upon, in the case of top leaders of organised groups).

Unless there are **formal structures for constituents to select representatives** – such as through elections of political representatives, as happened in the Northern Ireland process – the modalities of representation and accountability are blurry.

Box 4: Northern Ireland’s 1998 Belfast Agreement: enhancing legitimacy through elections and referenda

After decades of various peace initiatives and growing cooperation between the British and Irish governments, they jointly sponsored a process for all-party talks. The talks would involve both the British and the Irish Governments, as well as representatives from Northern Ireland who would be chosen through public elections. Elections were seen as a mechanism to enable the parties associated with paramilitary groups to participate in formal political negotiations for the first time. (The ‘never negotiate with terrorists’ rhetoric had precluded direct negotiations in the past.)

In an attempt to ensure that delegates were elected from all the main communities, the government developed an electoral system that offered participation based on relatively few votes. The number of seats would be assigned through a two-track system. The 18 territorial constituencies would each elect five representatives. Through a “top-up” system, they would be joined by two representatives from each of the 10 most successful parties across Northern Ireland as a whole. This enabled 110 delegates to participate in the peace process. Although the format enabled delegates outside the mainstream parties to participate in talks, there were no specific arrangements for the participation of other organised sectors of society. However it was this mechanism that enabled parties such as the Northern Ireland Women’s Coalition, as a formally elected party to the Belfast negotiations, to participate as one of the elected parties to the talks (see Box 6).

These talks resulted in the Good Friday Agreement in April 1998. The Agreement was approved by voters across the island of Ireland in two referenda held on 22 May 1998. In Northern Ireland, voters were asked whether they supported the multi-party agreement. In the Republic of Ireland, voters were asked

whether they would allow the state to sign the agreement and permit necessary constitutional changes to facilitate it. The elected delegates mechanism and the referendum gave tangible expression to the initial public assurances that no decision would be taken without the consent of those on both sides of the border.

In national dialogue processes, the **accountability and representativeness** of the participants may be unclear. There are many challenges inherent in promoting these qualities. Do the agents represent anyone other than themselves and close colleagues? If so, who do they represent and on what basis? Is there an assumption that a person's ascriptive identity (such as gender, ethnicity or age) qualifies this person to 'represent' the identity group *per se*? Are there formal mechanisms for selecting 'the representative' and for ensuring their accountability towards those represented?⁸ Are there specific mechanisms representatives can use to consult with their 'constituencies'? How do these constituencies remain aware of the unfolding developments in the process and have opportunities to understand options and trade-offs and give a baseline level of consent to emerging agreements?

An inherent dilemma for models of participation that are based on representation concerns **individual representatives' difficulties in reflecting constituents' diversity**. Because of the divergent interests, values and perspectives that will typically exist in a community, a representative will often implicitly select those whom he or she will 'stand for' in the decision-making forum. This may result in the others being marginalised in theoretically representative processes. This is a fundamental problem arising in any structure where one person represents many.

The 'ideal type' of representation within a national dialogue process would probably involve representatives actively seeking out the interests, views and ideas of constituents (not just assuming that they know them already) and have transparent mechanisms for conveying ideas and proposals emerging from the talks back to constituents for further deliberation. This requires **specific mechanisms or spaces for intra-group dialogue** and deliberation. These may at first seem too time-consuming, especially if there is a tight deadline. Yet it may be the key for successfully 'bringing along' stakeholder groups in the process and ensuring that the representatives are not moving too far out in advance of their group's willingness to accept the inevitable compromises. The Northern Ireland Women's Coalition, which was a formally elected party to the Belfast negotiations, structured their involvement in these negotiations around such a process (see Box).

Inclusion and societal structures

In some cases, a process can appear to be inclusive to outsiders as it seems to 'check the boxes' of what international actors assume would reflect diversity from the categories that are relevant in dominant world cultures. And yet they miss the mark because they do not reflect the **organic and traditional societal structures** in that context. In many cases, it will be difficult to create a grounded national dialogue unless it engages with the basic forms of social and political arrangement of the society, as was seen in the national dialogue for Libya. Nevertheless, it may also be the case that in addition to

⁸ Pitken (1972) identifies a number of potential dimensions of representation that are relevant for the connection between participants in a national dialogue and 'constituent' populations. Careful consideration of these aspects may help to bring more precision to the expectations of the roles and responsibilities of those participating in a representative capacity. (1) **Formal Representation**: What is the institutional position of a representative? Is that person to act a decision-making role, or is s/he authorised formally by the group to act on their behalf? (2) **Authorisation**: What is the process through which a representative gains power (e.g. elections, chosen by committee, nominated by group)? What are the ways in which a representative can enforce his or her decisions? (3) **Accountability**: Is the representative responsive towards his or her constituents' preferences? What are the sanctioning mechanisms available to constituents if they feel betrayed by their representative? (4) **Symbolic Representation**: To what degree does the representative 'stand for' those being represented? How are those who are being 'represented' reacting to their representative? Do constituents 'feel' that they are well represented? (5) **Descriptive Representation**: Does the representative look like, have common interests with, or share certain experiences with the represented? (6) **Substantive Representation**: Does the representative advance the policy preferences that serve the interests of the represented? Do the actual policy outcomes promoted by a representative serve 'the best interests' of their constituents?

traditional structures, there is a need to include the more modern forms of civil society which can bring new energy, ideas and skills into a process as well as enable voices that are traditionally marginalised.

Box 5: A dialogue without roots: attempts at transformation in Libya's 2011-2012 transitional dialogue

Fetouri claims that Libya is a tribal society in which tribal loyalty takes precedence over loyalty to the state. The national dialogue was focused around newly emerging political actors and civil society activists. Yet in a population with no experience of independent political parties, given the decades of dictatorship and oppression, political actors lacked a strong constituency base. Instead, they were reflective of wider global trends and expressed either liberal political sentiments or Islamist ideologies of various kinds. Civil society organisations also typically lacked strong societal roots, even though some individuals had great personal credibility. Most participants were affiliated with the revolution and promoted a 'winner takes all' approach to the post-Gaddafi transition, which was a barrier to a more sensitive reconciliation-orientated dialogue. These factors, combined with the push for a rapid transition, created obstacles for a more representative and transformative national dialogue that could pave the way for an inclusive political settlement. Fetouri argues that "in a country where tribes have been a pillar of power for over four decades and where, to a lesser extent, regionalism has played an important role, any solution to the country's serious problems of instability and lack of progress are bound up in society, not outside of it" (Fetouri 2015,1).

It may also be helpful to clearly differentiate from more **formal systems of representation in a national dialogue and the inclusion of participants from civil society**. Insightful civil society-based participants may reflect the interests, values and aspirations of wider public groups and therefore fulfil the symbolic, descriptive and substantive dimensions of inclusion. Yet they typically are not officially authorised to formally 'represent' anyone nor do they have a robust framework for accountability with constituents.⁹ There are exceptions to this generalisation, such as the elected representatives of trade and other unions. Some religious organisations also have structures for authorising representation and fostering accountability. This is one of the reasons why careful attention to including the representatives of mass organisations can help to create the channels for grounding a national dialogue in wider societal ownership and legitimacy.

McGhie and Wamai (2011) explore the relevance of distinguishing between **inclusion versus representation of women in peace processes**. Awareness has grown greatly on the value and necessity of including women in peace process. In processes that include 'women's representatives', they are often drawn from civil society, as in Guatemala and in Northern Ireland. In these cases, the focus of representation is on promoting the concerns and interests of women in the negotiations. This is distinct from pushing the parties to include women in their delegations (as in the case of Kenya). Women who are appointed by a political party or armed group as a representative are likely to be bound by the group's policies and mandated to represent its interests. They may therefore be constrained in their focus on women's issues at the table and may not view their primary role as being a representative of women. Their participation can nevertheless be significant for advancing the concerns of women and girls. Women in these political spheres may raise issues during internal party discussions in preparation for mediation, and deliver messages concerning women's issues that are best heard from a political 'insider' (McGhie and Wamai 2011, 7).

⁹ As chair of the UN High Level Panel on UN-Civil Society, Fernando Henrique Cardoso argued that:

"In a complex world, the answer to the question 'who speaks for whom' calls for new perspectives. The legitimacy of civil society organizations derives from what they do and not from whom they represent or from any kind of external mandate. In the final analysis, they are what they do. The power of civil society is a soft one. It is their capacity to argue, to propose, to experiment, to denounce, to be exemplary. It is not the power to decide. Such legitimacy is, by definition, a work in progress. It is never attained once and for all. It is gained in the arena of public debate and must be continually renewed and revitalized." (2003, 7).

Box 6: The Northern Ireland Women's Coalition

The Northern Ireland Women's Coalition (NIWC) was initiated by women with long histories of engagement in civil, human and workers' rights. Many were leaders in the community and voluntary sector; others were teachers, university lecturers, professionals and home workers. They included unionists and nationalists – the main socio-political fault line – as well as those who did not define themselves in either of these categories. As the peace negotiations took shape, they felt it necessary to take the gigantic step from the non-governmental sector to the political arena because they believed that the incumbent political leaders either ignored or refused to take seriously the issue of women's representation and participation in the peace negotiations.

At first, under the aegis of the Northern Ireland Women's European Platform (a formally constituted organisation that still exists), the NIWC leaders lobbied for the existing political parties to include women on their candidate lists. When this action was effectively ignored and the government published its ideas for the electoral system (see Box 4), they decided to form a political grouping to contest the elections. Not all women's groups supported this idea. Some believed it would be difficult to sustain the bi-communal nature of the coalition over such contentious issues as policing because cooperation would require too many compromises. Despite these concerns, the NIWC attracted support from most groups.

Around 150 women attended the first meeting. Subsequent meetings regularly attracted up to 60 people. Twice-weekly and then weekly meetings were held in Belfast to debate positions and were facilitated by rotating chairs. Equality, human rights and inclusion were adopted as the coalition's three core principles and a principled approach became key to guiding and evaluating the development of positions. Another useful practice – and unusual in Northern Ireland – was that participants were encouraged to take their 'identity baggage' into the room with them. They were expected to acknowledge differences up front, rather than to 'be polite' and leave them outside the door.

The NIWC members remained true to their roots and kept their feet firmly in both the world of electoral politics and in the world of public activism. This happened on two levels. First, in a monthly meeting the full membership discussed developments in the political process and developed positions on forthcoming agenda items. Because the membership was bi-communal, they provided guidance on approaches acceptable to either or both communities. Second, the NIWC maintained regular contact with diverse community and NGO leaders on specific issues under discussion. The NIWC was careful not to portray itself as having all the answers and gave serious consideration to the views of those consulted. These inputs from both the membership and from these networks meant that the NIWC was confident that its positions could command cross-community support. (Adapted from: Fearon 2002)

4.3 Negotiating the politics of inclusion: engaging 'difficult' actors

One of the questions in exploring the likely efficacy of a national dialogue process is whether it is able to bring the right people into the right process to enable shifts in the problematic aspects of the current socio-political system.

Perhaps, ironically, one of the central qualities that will determine the effectiveness of a national dialogue is whether it creates the capacity to genuinely embrace conflict and conflict actors. As such, the forces unleashed through conflict can create opportunities for change. If the *raison d'être* of the dialogue is to address underlying contradictions in the state – as have been manifest in protracted socio-political conflict (whether armed or not) – then to exclude parties who are explicitly or implicitly representative of key constituencies in struggle will undermine the fundamental rationale.

If national dialogues are to become the forum for transforming the social contract and relations between conflicting groups, then they will also be a site for continuing the quest for power. In war-to-peace transitions, for example, a national dialogue may enable parties to take the struggle off the battlefield and into the conference hall. Most groups will therefore work hard to frame the process in ways which are consistent with their own perceptions of what the conflict is 'about' and push for a process they

perceived to be beneficial to their interests and aspirations. It is likely that central to that strategy will be a contest over who are legitimate participants in the process and under what terms. As such, questions of inclusion can become intensely political.

Just being a part of the process does not necessarily equate with having influence or being a decisive decision-maker. Alongside questions of who is included in a process (which groups, which specific people) are questions of how they are able to affect the process and its outcomes. In examining the spaces for participation, Gaventa (2006) reminds us to explore how the process is created, with whose interests and what terms of engagement. Who participates – and in what role – is often at the crux of these dynamics. For the potential benefits of inclusivity to be fulfilled, the process design may need to ‘bake in’ ways of enabling the different constituent groups to have voice. These ‘how’ questions have significant implications for the degree to which their participation will make a difference through the national process, as is discussed later.

One common challenge is the **desire of existing or newly emerging regime leaders to consolidate the legitimacy of their authority by structuring a national dialogue process that excludes key opponents**. Sometimes the international community is complicit in this process, especially if the perception is that strategic interests are best achieved through alliance with that leader or the consolidation of that regime, as happened in Afghanistan. This pattern is at the heart of the ‘process capture’ dynamic, discussed below.

Yet if the goal of the national dialogue is to help create the basis for a more resilient political settlement, **excluding key conflict actors** may be counterproductive at best. Particularly in situations where there is already an armed conflict, exclusion may result in the war intensifying as it becomes evident that there is no channel for negotiating settlement and that these actors will be left out of the arrangements that emerge from the dialogue process. This can be a major factor leading to ‘spoiling’ behaviour (Zahar 2003). Engagement with armed groups is crucial in paving the way towards a negotiated settlement of violent conflict. Successful engagement tends to strengthen the pro-dialogue elements within armed groups, while political isolation tends to strengthen hardliners (Ricigliano 2005). Even though national dialogue processes have the potential to be highly inclusive, the costs of excluding key opponents can be seen in situations ranging from the exclusion of the Taliban in Afghanistan, of Sunni opposition in Iraq and of influential southern leaders of Hiraak in Yemen.

In numerous cases, **civil society actors and sectors have won recognition of the validity of their role** in a national dialogue process because of the constructive – and even determinative – roles they play in response to a national crisis. In Guatemala, South Africa, Tunisia and Yemen, civil society groups were a major force in challenging the existing order and were able to claim a place in the processes that might otherwise have been closed to them.

There are also **risks in excluding political elites**, even if they have been widely discredited due to their prior actions. Colombia’s 1991 Constituent Assembly was a highly inclusive civil society-based process that adopted a reform-oriented constitution. However, it excluded the political establishment, which then sought to undermine its implementation. In Guatemala, the constitutional drafting process resulted from the peace negotiation which included the Civil Society Assembly. Yet the constitutional reforms were later defeated at the referendum stage following a strong ‘No’ campaign by the conservative elite. In both Guatemala and Colombia, the political elites retained sufficient power during or after the process to undermine the long-term implementation of these agreements.

Motives for sabotaging inclusive processes: On the other hand, there are also cases where, even though the process is intentionally geared towards inclusion of all conflict actors and power contenders, one or more of those **groups tries to sabotage the process**. Leaders and factions who view a particular process or agreement as against their interests and are willing to use violence to undermine it are often termed ‘spoilers’ (Stedman 2003). Many consider it more constructive to view their behaviour as

'spoiling' rather than labelling people as 'spoilers' because in the right circumstances they can possibly become supporters rather than opponents. There are two main strategies: either systematically refusing to participate in a process or working to wreck it after entering into agreements and then reneging on promises.

In developing strategies to address these risks, it is important **to ask why specific actors would want to undermine the process, to carefully assess the group's intent and their capabilities, and to identify the factors that can affect their behaviour.** In addition to assessing their intent, it is important to understand the motivations of groups which might seek to wreck a peace process. While Zahar's research (2003) is focused on armed groups and peace negotiations, it seems relevant for the range of groups which resist dialogic processes to settle conflict:

Financially, those who benefit materially from the existing order may have no interest in reforms that unravel the political economy of the status quo – especially if they are not able to negotiate agreements that allow them to benefit from it. In some cases, this can be addressed through criminal prosecutions. In others, it might involve a deal that allows them some economic stake in the new dispensation (although this can lead to new problems in the future). Typically, however, the medium- to longer-term solution necessitates the challenging process of transforming institutions (World Bank 2011).

Some groups may have strong **ideological motivations** and see any compromise as a betrayal of their cause. For some leaders of ideological movements, their political survival may be premised on the continuation of strife so they may see compromise as political suicide. They therefore resist any constructive engagement in a peace process. This may be the case with the most militant factions within a wider conflict party, which then break away as peace negotiations begin. It may also be the case for certain revolutionary movements – including those in global extremist networks which link themselves to specific conflict situations from Mindanao to Mali to Chechnya but whose ideological motivations are global in scope. Sometimes, the major factor is a specific leader who is steadfastly resistant to any form of compromise; after a leadership change, the group may become more amenable to engagement.

Those who are strongly ideologically opposed to a negotiated agreement are likely to boycott a national dialogue process. It then becomes incumbent on the organisers and the other participants to decide what, if any, changes can be made to bring them into the process. If the group remains marginal, even if still dangerous, and does not have a strong social base, it is possible that they will become further marginalised to the point of political irrelevance if the process is widely perceived as legitimate, as happened to the Real IRA and other extremist paramilitaries in Northern Ireland.

Those who have been **excluded from the process for strategic reasons** –because they are considered to be insignificant or because their involvement would prevent other factions from participating or because they are unpalatable to the sponsors – may fear that the agreement will ignore their interests and concerns and/or lead to a loss of whatever influence they hold. Because of this fear, they may therefore try to discredit the process and to destroy any agreement reached through it.

Ultimately, the best way to address the threat posed by those who would want to wreck the peace process is to **ensure that the majority of those with influence and a strong social base consider themselves to be 'inside' the process.** From South Africa to Northern Ireland, it seems that the use of violence by those who refuse to participate in an inclusive process tends to have the consequence of deepening the commitment of those inside and binding them further to the negotiation process. It also tends to delegitimise the violence of those who try to wreck the process in the eyes of the wider public. (Barnes 2002) Similarly, when the implementation of agreements proceeds as planned, those inside the process tend to become more likely to support it as they are able to address most of their concerns through inclusive political institutions created by the negotiated agreement. Thus the more the agreements are fulfilled and the longer the post-dialogue settlement lasts, the less the likelihood of parties reneging on promises (Call 2012).

4.4 Operational concerns: enabling inclusivity through process design

In addition to the conceptual and political challenges inherent in developing inclusive processes, there are myriad operational challenges and dilemmas for the 'inclusion paradigm' in national dialogue. International mediators, in particular, have voiced concerns that negotiations can become too complicated when the number of parties increases (Paffenholz 2014). Therefore in addition to exploring 'why', it is important to consider 'how'.

Distinct from, although at times intersecting with, the politics of inclusion is the question of a dialogue process's '**carrying capacity**'. This set of issues involves design and facilitation and logistical questions about the number of participants and the number of issues and interests that can be meaningfully and coherently brought into a dialogic process.

Many national dialogue processes have been conducted using rather conventional forms of meetings, such as the conference format in which much of the time is spent in plenary sessions, with the majority of participants in the audience while high status participants give speeches. In some cases, the dialogue processes have not, in fact, been designed in ways that can enable true dialogue at all. As such, the efficacy of these processes is likely to be reduced by adding more people into it.

Yet there are radically different ways of conceiving and designing national dialogue to take advantage of the advances in '**whole of system**' process methods, based on drawing in participants from all parts of the system so as to engage a microcosm of the whole system in participatory deliberation. These are sometimes referred to as 'large group interventions' and include such methods as Future Search, World Café and Open Space (Bunker and Alban 2006).

There are several design strategies that can enlarge the carrying capacity of a national dialogue process capable of engaging the whole system.

The first set of strategies centres on **developing effective, large-scale process methods for participatory talks**. Plenary sessions at the national level can be the most challenging for designing processes that enable genuine deliberation amongst participants and avoid being mere showcases for the real negotiations occurring backstage. Dialogue meetings can be scaled up with the innovative uses of communication technologies to enable simultaneous and interlinked small-group dialogue within an overarching large-group dialogue framework.¹⁰

The second set of strategies centres around vertical inclusion, based on **consultative processes unfolding at multiple levels in a country** – often with the intention of them feeding into a concluding conference, as can be seen in the examples from the Philippines' Six Paths To Peace consultations and South Africa's Congress of the People (see Boxes). The design of these processes is based on a developmental logic. Before coming to the national level, there are opportunities for dialogue within sectoral, geographical and/or identity groups. This can build coherence and enable these groupings to identify priorities and 'find their voice'. The outcomes of these sub-national dialogues can then flow sequentially or simultaneously into a national dialogue process.

A third set of strategies is based on intentionally **incorporating public participation** as a part of the design of a national dialogue process. This can provide political incentives for the main parties to 'bring along' constituencies in the process and to be responsive to their concerns, as occurred in South Africa and Northern Ireland.

Furthermore, meaningful inclusion is enhanced through **involvement at the earliest assessment stages** of preparing for dialogue (Pruitt and Thomas 2007). Weisbord and Janoff caution that getting the

¹⁰ As an example of a process methodology capable of engaging thousands of people in multiple locations simultaneously in meaningful dialogue on policy issues, see the 'America Speaks 21st Century Town Meeting' process videos: <http://www.youtube.com/watch?v=rJBgTFm8ZPQ#t=12> and UNOP Community Congress II - Video Highlights <http://www.youtube.com/watch?v=jA8xIVZAok8#t=14>

whole of the system in the room needs to happen during planning because “when the meeting starts, it’s already too late.” (2010, 68)

Ultimately, dialogue calls forth the need to be intently focused on **humanising relationships and fostering empathetic understanding**. This may require attention to creating quiet and informal spaces for communication and relationship building, as well as enabling informal and ‘off the record’ dialogue. It may also benefit from intentional efforts within the process to foster humane engagement, drawing on artistic and spiritual resources to enable participants to engage with their whole being. Effective national dialogue process design needs to be intentional in cultivating these qualities.

Box 7: The Philippines National Unification Commission and ‘The Six Paths to Peace’

The National Unification Commission (NUC) was appointed by the President in 1992 to help revive peace talks with a number of armed opposition groups and to produce recommendations for a process towards a ‘just, comprehensive and lasting peace’.

At the centre was a public consultation process structured at three levels: provincial, regional and national. The NUC consultations were intended to discuss: (1) participants’ perceptions of the causes of the armed conflicts; (2) their proposals for how government and rebel forces should end them; (3) the issues they deemed relevant to the peace process; (4) the specific programmes, reforms, and entities that could implement proposals and promote peace; and (5) what their own group could do to promote peace.

The NUC Secretariat and an Advisory Group of leading moral and political figures designed the consultation process and monitored the conduct of the regional and the provincial consultations. The Regional and Provincial Convenors’ Groups organised meetings at their respective levels and received and collated proposals. Considerable flexibility was allowed at the provincial level because of the diversity in local conditions. Each designed its own pre-consultation mechanisms, with some conducting municipal-level pre-consultations and others arranging sectoral meetings. These events channelled into a provincial consultation, where participants selected their 10 representatives to the regional consultation.

Regional Convenors Groups hosted the regional consultations, which the NUC attended. Provincial representatives delivered their respective reports and an open forum followed each presentation. The body was then divided into workshop groups to fill in a matrix that was later consolidated into the regional report. In all, 71 provincial and 14 regional consultations were held and covered almost every province. In Mindanao communities with sizable Muslim populations, the representatives were also drawn from Muslim social, political and governing bodies. Furthermore, the RCGs jointly with the police and armed forces were authorised to issue safe-conduct passes to combatants wishing to attend the regional consultations.

Additionally, the NUC consulted with national formations, including large multi-sectoral coalitions. The NUC identified 24 sectors whose representatives should be invited to participate, along with representatives from local and central government, the judiciary, police and armed forces. These included: women’s organisations, child advocates, civic groups, cooperatives, the differently-abled, teachers and researchers, professional associations, farmers, fishermen, indigenous cultural communities, urban poor, media, labour, business, religious groups, social development NGOs, cause-oriented and political organisations, issue-specific groups and groups of former rebels.

The NUC’s report was ground-breaking in recognising poverty and inequality as the primary causes of conflict and in setting out the ‘Six Paths to Peace’ that became the operational framework for government peace policy. The process resulted in a set of principles guiding successive governments’ peace policies. The process helped to revive interest in and support for a peaceful resolution of several violent conflicts, whose specific concerns would be addressed in bilateral negotiations between the government and the armed groups. (Adapted from: Ferrer 2002)

While designing more effective processes is technically challenging, sufficient creativity and resources and – above all – vision can address this barrier to the efficacy of more fully inclusive processes. The political negotiation of inclusion and of the overall ‘frame’ of the process is likely to always be the most challenging element. To address this barrier, having the vision, taking the necessary time and – above all – having the will to work towards a whole of system process is needed. Should these barriers be

sufficiently addressed, it is likely to generate huge dividends in expanding the ownership and legitimacy of the national dialogue process.

Box 8: South Africa's 1955 Congress of the People and mass deliberation of the Freedom Charter

In 1955, five years before it was banned, the African National Congress convened a Congress of the People to develop a Freedom Charter for all South Africans. The Charter articulated not just what they opposed but also what they stood for. It shaped the development of political thinking, formed the foundations for a pro-democracy movement and influenced the negotiations in the 1990s. It was a unique experience of mass participation in a political visioning process amidst hostile political circumstances and shaped the implicit expectation of public participation in creating a new South Africa. Preparations began in 1953, as hundreds of activists organised meetings and house-to-house canvassing to engage South Africans. Ordinary citizens were asked the open-ended question: "What needs to change in South Africa for you to enjoy full and abundant lives in terms of country, community and individual?" The organisers learned that if they wanted people to participate, they needed to meet them where they lived, worked and played. The organisers were instructed not to see themselves as representatives who could 'speak for' the people but rather to collect and collate the perspectives they heard and thus to enable processes that allowed people to find their own voice. Communities nominated delegates to represent them at the Congress and collected money for their travel.

The government tried to impede the Congress as it became obvious that the process was gathering momentum: meetings were banned, gatherings disrupted by the police and materials confiscated or destroyed. Despite a police cordon, on 26 June 1955 in Kliptown, Johannesburg, the Freedom Charter was written. It was based on the deliberations of the 2,800 delegates who had gathered on a dusty patch of ground to consider the results of the consultations. Its central principle was that "South Africa belongs to all who live in it, black and white, and no government can justly claim authority unless it is based on the will of the people". Although it took decades more to achieve, a direct line can be traced between the principles articulated in the Freedom Charter and the 1996 Constitution of South Africa. (Adapted from: de Klerk 2002)

4.5 International standards, external engagement and conditioning inclusion

As was discussed at the beginning of this chapter, the UN, international organisations and their respective member states have made fundamental commitments to an overarching framework of rights and norms. This often leads to the twin dilemmas of how to respond when a national dialogue is undertaken in ways that directly contradict these normative commitments, on the one hand, and how to actively promote fulfilment of norms, on the other. Within these dilemmas, particular attention has been given in policy and practice to the challenges of engaging with proscribed organisations and promoting the inclusion of women.

Due to international resolutions on specific conflict situations and due to other normative concerns, there may be times when certain groups are explicitly or *de facto* excluded from the process. It remains difficult – and, in some cases illegal – for international agencies to **engage with the conflict actors**, who arguably need to be central players in local conflict resolution processes including national dialogue. In some cases, non-state (armed) conflict actors are perceived as legitimate interlocutors by foreign governments and IGOs despite being banned by the national government of the day, as with the National League of Democracy in Myanmar (Burma) and the African National Congress in South Africa. Most member states took the view that these organisations complied with international norms, whereas the governments were treated as pariah regimes. At the other extreme, it may be illegal to even talk with

representatives of a proscribed organisation despite the significance of their constituency base (such as Hamas in Palestine and Hezbollah in Lebanon).

At the same time, international norms promote inclusion. Most clearly codified is the participation of women¹¹ and of national minorities and indigenous populations.¹² Additionally, there is a growing body of norm for peace negotiations that include principles of inclusion, as stated in various resolutions and guidance from the UN Secretary-General.¹³ UN mediators in particular may therefore feel trapped between the requirements to fulfil UN norms of broader participation and the pressure of ‘delivering’ a peace agreement – especially when their mandate is often based on expectations that the swiftest possible resolution will be achieved. In some cases, this can create pressure to arrange a *pro forma* inclusion, such as a delegation of women which is present at talks but has little meaningful role and influence (as in the Abuja process for Darfur). In others, it becomes a catalyst for genuinely finding ways to ensure the views, values and interests of various public constituencies are taken into account and that genuine channels for public involvement are created, as in Kenya.

Box 9: Kenya National Dialogue and Reconciliation: bilateral mediation at the centre of national dialogue for crisis management

Following Kenya’s hotly contested December 2007 presidential elections, the two main contenders both proclaimed victory. Neither candidate conceded. Amidst claims that the vote was rigged, the most violent conflict in Kenya’s modern history erupted. Despite extensive grassroots and national civil society-led responses to the crisis, the political stalemate driving the violence remained unresolved.

The Constitutive Act of the African Union (AU) sets forth the responsibility to intervene in “grave circumstances”, namely: “war crimes, genocide and crimes against humanity.”¹⁴ In early January 2008, Ghanaian President Kufuor, in his capacity as Chair of the AU, visited Kenya. He convinced the presidential contenders to agree to external mediation. The AU subsequently formed a Panel of Eminent African Personalities chaired by Kofi Annan and including President Mkapa of Tanzania and politician Graça Machel of Mozambique. Each member had longstanding knowledge of Kenya and appreciated the complexity of the challenges. In addition to engaging the principals, they consulted widely with civil society and private sector actors before the mediation process was formally launched on 29 January 2008.

The dialogue was initially structured as mediated bilateral talks between the two presidential candidates and three of their party members (at least one of whom needed to be a woman). Because they had just contested elections that had mobilised most of the electorate, it was judged that they were legitimate representatives of ‘national interests’.

There were two goals: (1) a political resolution to the crisis in order to end the violence; and (2) a dialogue to address the longer-term structural problems that give rise to conflict in Kenya. As such, the process aimed both to end political deadlock and to redefine state-society relations by promoting fundamental change. The parties reached agreement on a number of follow-on arrangements to address the underlying structural and substantive issues, most of which provided opportunities for comparatively more inclusive participation of different sectors of society.

Yet even during this official political dialogue, there were channels for other Kenyans to express their concerns and views. The mediators were receptive to inputs from Kenyan civil society, which was highly organised. Various civil society groupings made efforts to ensure that their priorities and views were presented to the team, including through memorandums developed by a number of different coalitions. They were crucial in shaping ‘Agenda Four’, which called for reforms to address the root causes of the

¹¹ See, for example, the Convention on the Elimination of All Forms of Discrimination against Women, which laid out the normative foundations for the 2000 UN Security Council Resolution 1325.

¹² See, for example, the International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; International Labour Organization (ILO) Convention Concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169).

¹³ S/2009/189, 8 April 2009 and A/66/811, 13 September 2012; GA/11104, 22 June 2011; GA/11278, 13 September 2012.

¹⁴ Article 4 (h) of the African Union’s Constitutive Act.

violence and longstanding issues such as constitutional reform, land distribution, historical inequalities and security sector reform.

Notably, Graça Machel was willing and able to use her stature and role as a catalyst to encourage Kenyan women to take an active role. In the early days of the mediation, she called women's leaders together to meet her to discuss the position of women with regard to the crisis and then encouraged them to convene a process that would enable them to engage the peace negotiations with a unified voice. This became the impetus for women leaders to overcome their own differences and divisions in order to work together to press for a greater focus on women's issues in the process.

In this case, the external mediators' sensitivity to the complexities of the situation and appreciation of the contributions that could be made by diverse interests groups within Kenya created channels for a more comprehensive engagement with local concerns and voices, even within the structure of a more conventionally mediated negotiation between the 'principal parties' to the conflict (McGhie and Wamai 2011, Wachira with Arendshorst and Charles 2010).

5 Legitimacy: Processes to Generate The Moral Grounding of Institutionalised Power

The contest for legitimacy – and the authority, power and recognition associated with it – is typically at the core of political conflicts to be addressed through national dialogue. As with the term 'ownership', it may be helpful to develop greater conceptual depth to the understanding of the idea of 'legitimacy'. Legitimacy comes from the Latin verb *legitimare*, meaning 'lawful'. In English, it is associated with the qualities of being authentic and believable.

The classic Weberian understanding of political legitimacy is linked with the quality of authority: the power or right to give orders or make decisions. As such, political legitimation is the process by which power is not only institutionalised but is given moral grounding, albeit through different sources and processes. Perceptions of legitimacy shape the structure of political institutions and the dynamics of political life (Spencer 1970).

Each national dialogue is a newly constructed political process, typically created outside of existing institutions and often in response to a crisis. Rarely can the process itself draw upon an inherent legitimacy resting in tradition and precedent. In many cases, it does not even have a clear legal status from which to draw its legitimacy.

Legitimacy must instead be generated through the way in which the process is conducted, who is involved and how the outcomes satisfy the core interests and values (if not all the aspirations) of key stakeholder groups in society. If the process is imposed and not rooted in shared ownership, then it is unlikely that consensus on legitimate authority will be reached or that legitimate institutions will emerge.

National dialogue may indeed become the forum through which legitimate legal and political authority is created. As such, it can serve as the formal 'constituting' process of a reformed modern state, regardless of whether it is designated as a constitution-making body or is an extra-constitutional mechanism with outcomes that need to be integrated *de jure* into law through a follow-on process.

A key operational question for fostering national dialogue, therefore, is how to generate legitimacy within both the process and its outcomes. It may be helpful to consider several distinct dimensions of this question: the legitimacy of the convener, the legitimacy of the participants, the legitimacy of the process and the legitimacy of agreements reached. While issues related to the legitimacy of the participants are addressed in the sections exploring inclusivity, above, the other dimensions are explored here.

Box 10: South Africa's transition: generating legitimacy through progressively more inclusive and comprehensive negotiations and public participation

South African political leaders, with the assistance of civil society and technical experts from home and abroad, slowly constructed an inclusive and principled process for managing the multiple transitions to a post-apartheid state. National dialogue-style negotiations were followed by a power-sharing transitional government serving as a constituent assembly and finally a new constitutionally mandated state structure and governing system. The process moved from initially secret talks between the ruling National Party (NP) and the opposition African National Congress (ANC) representatives that built upon understandings reached in unofficial 'Track II' dialogue. Upon President de Klerk's announcement of Nelson Mandela's release in 1990, bilateral pre-negotiation talks between the NP and ANC and other key parties determined the shape of a process to decide the form and content of a new state structure. Amidst escalating political violence, the political parties also negotiated a National Peace Accord. This agreement specified a set of structures at the national, regional and local levels to prevent violence, largely through monitoring and mediation of localised dispute and the investigation of violent incidents. The first phase of the political transition took place through successive multi-party constitutional conferences, 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. The first iterations were the Convention for a Democratic South Africa (CODESA) I and II and, after that process collapsed, the Multi-Party Negotiation Process (MPNP). Those negotiations – essentially a national dialogue process – occurred between 1991-1993 and involved hundreds of delegates from 19 political parties in the initial CODESA process up to 26 political parties in the concluding MPNP. The outcome paved the way in 1994 for South Africa's first non-racial elections to choose the parties to a power-sharing transitional government and the delegates to a Constitutional Assembly.

The Constitutional Assembly consisted of both houses of the newly elected Parliament: the National Assembly and the Senate. Its 490 members were drawn from seven political parties, represented proportionally in accordance with their share of the vote. The Assembly's work was organised to satisfy three principles: inclusivity, accessibility and transparency. To ensure *inclusivity*, it was agreed that the constitution had to be the product of the ideas of all the major elements of society, grouped as three categories of role players: the represented political parties; parties outside the Constitutional Assembly together with organised civil society; and individual citizens. To encourage *accessibility*, the parties agreed that it was not enough to merely invite submissions; it was necessary to solicit views proactively through a formal public participation process. *Transparency* was promoted by allowing all meetings of the Constitutional Assembly and its structures to be open to the public and televised nationally. All materials – including minutes, reports and submissions – were published on the internet. Furthermore, the new constitution was to be drafted in plain speech so that ordinary people could understand it, translated into the 11 main languages and disseminated through a massive public education programme.

The public participation programme generated almost two million submissions. Public opinion surveys afterwards found that the majority of South Africans felt they had an opportunity to contribute to the creation of the constitution and felt a sense of ownership of it – despite some lingering scepticism amongst those who perceived they had the most to lose in the new system.

Thus, from its secretive origins, the peace process slowly became more open to public scrutiny, multi-party negotiation, societal dialogue and, eventually, direct public participation. This helped to provide widespread public legitimacy for the process to create what has become known as the 'new South Africa'. (Ebrahim 1998, de Klerk 2002, Barnes and de Klerk 2002)

5.1 Legitimacy of the convener

National dialogue may be convened under the authority of a key individual or a body, which acts as a presiding force or even as a facilitative mediator. Many models are possible but the reputation and

perceived legitimacy of the convener are likely to convey powerful signals about the process and its likely outcomes.

It is in this dimension, perhaps more than any other, that there may be efforts to generate legitimacy through the identity of the convener. Yet legitimacy can only rarely be ‘bestowed’ because it necessitates a deep wellspring of trust in the ‘bestow-er’. In some cases, this may happen with the involvement of a traditional or charismatic authority, if, for example, a respected religious figure or body or an admired elder statesperson serves as the convenor. The exercise of legal authority alone may be insufficient to promote the perception of legitimacy, especially if the legitimacy of the legal regime itself is called into question. This helps to explain the disconnect that often exists between the resolutions of the UN Security Council or regional bodies – which create mandates for international mediation efforts – and the local populations. They may not perceive the international mediation as having intrinsic legitimacy (even if the process gains legitimacy later through the efficacy of the process or the agreements reached). The acceptance of a legitimate convener often draws on the **perception of the intrinsic legitimacy of that person or body**.

- ≡ In some cases, the deployment of **respected religious leaders** has had the effect of enabling moral authority to convene the dialogue, as in the choice of Bishop Quezada to lead the Grand National Dialogue and the subsequent civil society assembly accompanying the peace negotiations in Guatemala.
- ≡ Sometimes the deep respect with which constituents view their leader(s) may convey legitimacy to the dialogue process when it is clear that the **process is endorsed or even led by a group’s own leader**, as in South Africa’s self-organised constitution-making processes.
- ≡ In other cases, legitimacy is conveyed through the parties’ **acceptance of an external mediating body**, such as the African Union mediators in Kenya, which drew on a panel of renowned African leaders, and the acceptance of US Senator George Mitchell in Northern Ireland.

Sometimes the legitimacy of the convening authority is itself profoundly contested, as when many Sunni and opposition groups boycotted elections to the body charged with drafting the constitution, the transitional Iraq National Assembly, which was orchestrated by the US-led Coalition Provisional Authority with assistance from the United Nations. In other cases, legitimacy is contested because the process is unilaterally convened by one of the ‘sides’ in a conflict, typically the government, rather than mutually negotiated.

Box 11: Sudan for All: the quest for legitimacy in contending national dialogue processes

In 2014, facing continued international isolation, pressure from Sudanese opposition and a fracturing of his own coalition, Sudanese President Umar al-Bashir announced plans for a comprehensive National Dialogue. At the same time, the opposition forces – both various armed insurrectionary movements and political parties of diverse ideological orientations – were highly fragmented. This created a ‘balance of weakness’ (Khidir 2017).

National Dialogue Handbook Case Study. Berlin: Berghof Foundation.

President al-Bashir may have assumed that it would be possible both to frame and to control a national dialogue that he instigated and convened. While opposition forces did not reject the initiative outright, most questioned the regime’s legitimacy to convene it. Many insisted on a range of reforms and security guarantees as a precondition for their participation. They argued that these measures were needed to create trust and foster an enabling environment for free and fair talks. Many in the armed movements expressed suspicion of national dialogue, arguing that internationally mediated peace negotiations were their preferred process – to which the government countered that they would have to commit to a ceasefire before engaging in political talks. (Sources: International Crisis Group 2015, Khidir 2017).

5.2 Legitimacy of the process

The process itself matters. The quality of the procedures and whether the process enables parties to bring along not only the participants but also their constituencies and the broader public has significant implications for its perceived legitimacy. There are a number of qualities and characteristics that can enhance this potential, although many involve challenging dilemmas that may require trade-offs in practice.

Inclusion: The previous section explored the utility of broad-based processes aimed at efficacy. It is crucial that the process is perceived as legitimate in the eyes of the representative participants' social and political constituency (Ramsbotham and Wennmann 2014)¹⁵. This is particularly true for the conflict actors. Previous discussions of inclusion identify the challenges and the value of efforts to keep dissenters in the process – especially those with significant public constituencies. Not only does this reduce the risks of wrecking the process, but it also goes a long ways toward ensuring that the outcomes are perceived as legitimate in the eyes of their constituents.

Procedural fairness: If participants and their constituencies believe that the process is designed in ways that marginalise their voice and interests or that the rules are stacked against them, they will vociferously question the legitimacy of the process. Sometimes procedural 'tricks' are deployed in ways that manipulate proceedings. This may be done to help consolidate power in the hands of the organisers so that the process becomes little more than window-dressing for outcomes that have been predetermined by the organising bodies, as seems to have happened in both Afghanistan and Iraq. Papagianni observes the importance of participants/society being aware of the procedural rules governing the national dialogue processes. This can enable various actors to monitor developments and participate more effectively in efforts to influence the process and agreements, thus increasing trust in the process (Papagianni 2005, 748).

Transparency and public communication: There is considerable scope and need for discreet or even confidential dialogue in the preparatory stages of creating a process or when there is a need to work through an impasse. Yet processes that occur exclusively behind closed doors provide little opportunity for the wider public to understand the issues under discussion or the reasons for the inevitable trade-offs and compromises in agreements reached. Such secretive processes also create fewer incentives for the participants to remain publicly accountable. Furthermore, if all aspects of the process remain largely outside of the public view, it is difficult to shift entrenched conflict narratives through national dialogue. Attitudes and ideas can take time to change. If agreements are reached in advance of public willingness to accept them, in part because they do not understand the logic of the compromises reached or the implications of the provisions, then the settlement remains vulnerable to those who want to wreck it.

Box 12: Transparency in otherwise inclusive processes: contrasting Guatemala and South Africa

While the Guatemalan peace negotiations had considerable inclusion due to the consultative Civil Society Assembly (Box 3), their working modalities and the official bilateral negotiations were largely private. The subsequent failure of the constitutional referendum to ratify key provisions of the peace agreement is partly due to the wider public's poor understanding of the content. This made it easier for 'the old guard' to mobilise opposition in a 'No' campaign, drawing upon xenophobic themes that reform would allow the indigenous Mayan population to take control of the country.

¹⁵ As Ramsbotham and Wennmann note: "One function of a peace process can be understood as providing a structure to accommodate diverse or competing sources of, or claimants to, legitimacy in conflict-affected states and societies, and to cultivate broad consent on a satisfactory way forward... The legitimacy of a peace process can be understood as the extent of popular support both for the process itself – its specific initiatives and components – and for its outcomes" (2014, 6-7).

In contrast, the dialogue processes that supported South Africa's transition were rooted in the mass political organisation that had emerged over almost a century of struggle, as well as in the political organisations of South Africa's white population. Both had evolved representative political parties with systems to hold leaders accountable to their members and constituencies. During the negotiations, political leaders had to pay careful attention to bringing along their supporters when making agreements. Many of the political parties consulted frequently with members to gauge their reaction to proposals and to identify issues of continued concern. The South African public had the opportunity to witness the formal constitutional negotiations through media broadcasts, as well as to contribute ideas and comment on the draft constitution through the public participation programme (Box 10). These strategies greatly increased the sense of public ownership of the terms of the transition and gave legitimacy to the new state structures that emerged from the process.

Financing and the 'political economy' of the process: In many fragmented societies, there is great suspicion of those who reach across divides and who take risks to make peace. Their motives may be viewed with mistrust. There may even be attempts to undermine their credibility by accusing them of selfish interests in the process. A particular area of sensitivity for process legitimacy, therefore, concerns the financial resources for a process. If key players in the process are perceived as 'getting rich' from disproportionately high salaries or per diems, this too will undermine their credibility in the public eye. Furthermore, financing often comes from external donors. How this money is managed can be important for how the agreement is perceived. For example, if the process is seen to be paid for by an outside power – which imposes excessive conditions on the participants, the agenda or the agreement – it will affect not only the legitimacy of the peace agreement, but also the legitimacy and authority of the government implementing it. One example is Myanmar in 2014-16, when local media began referring to aspects of the peace negotiations and other initiatives as the “peacebuilding industrial complex.” A lightning rod was the opposition's criticism of international donor support for the government's peace secretariat and peace agenda.

Referenda and other accountability mechanisms to enable consent: Many agreements emerging from national dialogue processes entail changes that affect a country's constitutional arrangements. Indeed, in many cases, the national dialogue process is essentially a constituent assembly. A public referendum on the agreement is one mechanism used to ensure the legitimacy (and legality) of these changes. Referenda can serve as a safety valve for parties who otherwise may be reluctant to face the backlash from constituents dismayed at their willingness to negotiate with 'the other': if the public can vote on what is acceptable, then the parties may be better able to assure constituents that they will not be forced into an unacceptable deal. Yet referenda can be risky. Reluctant parties may later undermine the agreement by working to overturn major provisions during the referendum, as happened in Guatemala. In other cases, referenda can generate a political incentive for all parties to help each other reach the best possible agreement so that they can 'sell it' to the wider public – thus promoting accountability (even if it runs the risk of appealing to the lowest common denominator in the public, rather than the highest common purpose...). It can also create an incentive for pro-agreement groups to campaign vigorously on reasons for supporting the agreement – as was notably the case for the referendum on the Belfast Agreement in Ireland – thus further shoring up public awareness and public legitimacy.

5.3 Legitimacy of the agreements

The substantive outcomes of national dialogue are typically some form of official agreement that codifies both the principles guiding significant reforms and the processes for making those reforms. The perceived legitimacy of these agreements is likely to be significant in terms of whether or not their provisions are supported and implemented. No matter the degree of technical efficacy of the contents in

addressing core concerns, the wider public and specific constituency groups may reject agreements if they do not perceive them as legitimate – whether because of residual distrust in ‘the enemy’ with whom the agreement has been crafted or because the way in which it is presented to them triggers antipathy. In highly polarised societies, leaders may face an intense challenge in trying to promote an agreement as legitimate with the cross-section of society because they lack credibility with the other ‘side(s)’. Most often, different coalitions hold distinct, even mutually exclusive understandings of what constitutes a legitimate settlement, so that agreements that resonate with some are likely to be dissonant to others. The legitimacy of the agreements is interlinked with the legitimacy of the process and of the participants. One resource for winning public support for an agreement can be found in the **inclusion of key ‘brokers’ in the process who can use their influence at the intersection of multiple social networks to legitimise both the processes and agreements reached**. Based on careful study of the Northern Ireland peace process, Goddard (2012) argues that such brokers¹⁶ draw upon their rhetorical and relational resources to create the social authority to legitimate the Belfast Agreements in ways that resonate across multiple audiences – thus helping to build a coalition for peace (Goddard 2012, 505-508). In essence, they can ‘sell’ the agreement to constituencies that might otherwise be suspicious of it. Ultimately, however, the most durable inducements to peace are **the ‘intrinsic incentives’ inherent in the settlement**; if it provides a credible solution that satisfies the parties’ interests, they are likely to prefer it to the current state of play. Agreements of this kind are more likely to be developed through an inclusive, problem-solving process which encourages the parties to frame contested issues as shared problems that can be creatively addressed to obtain a ‘good enough’ benefit for everyone. This is inevitably a protracted and difficult process. Yet it can pay dividends in forging a settlement that is ‘owned’ by the parties and addresses their main concerns.

5.4 External sources of legitimacy – and the risks of eroding it

While most of the social and political resources needed to develop the legitimacy of national dialogue are inherent in the local context, some may be contributed from external sources. Official international actors from governments and IGOs typically derive the legitimacy of their involvement in a national dialogue from an international resolution. However, such resolutions are rarely perceived as a decisive legitimising framework by internal actors and the public at large.

If specific external governments or international organisations have a history of playing constructive roles in the context, and if their assistance is sought by key players, then their involvement in the national dialogue is likely to be perceived as legitimate and beneficial. Examples are New Zealand’s role in the intra-Bougainvillian reconciliation dialogue and the AU mediation team’s role in Kenya. Their legitimacy may then reinforce the legitimacy of the process.

Excessive external involvement can undermine the domestic legitimacy of the process, as noted above in the critiques of deterministic ‘liberal peacebuilding’ approaches. Nevertheless, external resources – such as funding, expertise, capacity building and facilitation – may be useful or even necessary to enable national dialogue processes. This may have three dimensions:

- ≡ **Support for the national dialogue itself:** Donors have played important roles in helping to provide funding and technical assistance needed to resource the dialogue. This can be very beneficial,

¹⁶ Goddard explains that attempts to ‘create’ brokers, in the hope of achieving a peace, may be ineffective because their influence stems from long histories and the personal biographies of the people involved; building strong ties requires long-term interaction (Goddard 2012, 506). Thus in the assessment and analysis phase of process design, it can be crucial to intentionally look for who might have these relationships across conflict divides, as well as credibility within their own social base.

particularly if local actors are also contributing resources in ways that help to strengthen ownership and legitimacy (as in South Africa). The risk is that if the process is overly reliant on external resources, there may be little room for manoeuvre if the process itself needs to be re-organised or significantly extended due to unfolding dynamics. If budgets and funding frameworks are overly constricted, it may constrict the imagination about what is possible. Self-organising processes may then have the advantage of being more sustainable. Nevertheless, external support that is sensitively provided can greatly help to ‘expand the pie’ of possibility and make initiatives feasible.

- ≡ **Incentivising participation:** Yet external financing can also have a distorting effect. Over-reliance on economic incentives – ranging from promises of development aid to lavish per diems – to ‘sweeten’ participation in processes can lead to public suspicion of the motives for participating. It can also push agendas and approaches in advance of participants’ own recognition of the need for them (Barnes and Griffiths 2008, Goodhand 2006).
- ≡ **Meeting development and security needs during the process:** External aid may be beneficial in helping to shore up public perception that their lives are demonstrably improving while the dialogue takes place. It may also help to support the stability needed for sensitive political processes to unfold by shoring up resilience. Prioritising support to address needs for jobs, citizen security and justice (World Bank 2011) may create space for a more extended and painstaking renegotiation of the state through national dialogue and related processes, even while building the capacity needed to support a sustainable transition.

6 Power Dynamics and National Dialogue Processes: From Coercion to Cooperation

“...spaces for participation are not neutral, but are themselves shaped by power relations, which both surround and enter them. ... Power relations help to shape the boundaries of participatory spaces, what is possible within them, and who may enter, with which identities, discourses and interests.”
(Gaventa 2006, 4)

If the state, its resources and core policies are fundamentally contested (hence the crisis creating the *raison d’être* for national dialogue), then it is almost inevitable that power elites will try to use the process to benefit their interests and constituents. The process therefore becomes another field upon which the conflict can be played out.

6.1 Process capture: national dialogue as a spectacle for regime consolidation

Sometimes national dialogue is deployed principally as a kind of spectacle, masking an attempt to consolidate the power of a regime under the façade of a public process. This process capture may be undertaken by newly emerging regimes wishing to consolidate control. These dynamics were notable in the 2003 Constitutional Loya Jirga in Afghanistan and in the 2004 Transitional National Assembly in Iraq. Alternatively, a national dialogue process may represent an attempt of a dramatically weakened regime to re-assert authority or to re-establish a basis for legitimacy amidst intense internal or external

pressure, such as the inclusive national dialogue promised in January 2014 by Sudanese President Omar al-Bashir.

Flowing through both the conflict context and the national dialogue process are the dynamics of power between the various forces within a state, often amplified through their association with external actors and the broader regional and global system. National dialogue at its best can help to transform these power relations. Yet it can also become a pretext for the capture or consolidation of power by one set of actors, in ways that do little to shift the underlying problems giving rise to repeated crises.

What is crucial is whether the national dialogue process is able to help parties engage with each other constructively to find a satisfactory resolution to contested issues and foster the basis of a more cooperative relationship. In this sense, what is most relevant is not the existence of capabilities for coercive power in an absolute sense but rather how parties wield their influence in relation to each other through the process. If their experience of engaging across conflict divides helps leaders and their followers to transform the prevalent ‘win-lose / zero-sum’ mental models of power, then the national dialogue process can harness the power dynamics towards conflict transformation.

6.2 Enabling the shift from unilateralism to interdependence

This requires a profound change in the relations between those divided by conflict. Perhaps one of the keys for **making the shift from unilateralism** – in which parties try to coerce others into conceding to their demands – to a more cooperative search for shared solutions is when parties begin to develop greater confidence and sufficient trust in each other. Many argue that **confidence building** is central to longer-term institutional transformation. The World Development Report 2011 defines confidence building as “a prelude to more permanent institutional change in the face of violence. Why? Because low trust means that stakeholders who need to contribute political, financial, or technical support will not collaborate until they believe that a positive outcome is possible” (World Bank 2011, 11-12).

To even to get to the point of agreeing to embark upon a national dialogue typically involves a major negotiation. By agreeing to talk, the parties are *de facto* recognising each other and sending the implicit message that they are facing a shared predicament that can be addressed by the (often radical) process of engaging with each other. This is, in itself, highly significant.

As such, the transition requires a challenging progression: first for adversaries to agree to engage with each other; then to remain genuinely engaged in a process (or to return to it if the process breaks down); then to reach widely satisfactory agreement; and finally to work through the often difficult processes of implementation. This is rarely a smooth, linear process. Yet there are common milestones for these change processes (Barnes and Griffiths 2008, 16):

- a) First, parties **begin to recognise that they cannot achieve their goals unilaterally and that simply continuing with the status quo entails risks of unacceptable costs**. Therefore they are willing to risk exploring engagement with their opponents. This shift can be cultivated through quiet (and possibly confidential) unconditioned, exploratory dialogue (Ancram 2008). The purpose is to begin to build mutual understanding and to create communication channels and relationships, rather than to formulate proposals and agreements. This may occur in the preparatory phase when the parameters and approach for national dialogue are being developed. Even more likely, it may take place through a prior or complementary unofficial and exploratory Track 1.5 or Track 2 dialogue between people close to the key players.
- b) Second, after engaging in dialogue, parties may **begin to have sufficient confidence in their counterparts that the risks of engaging are outweighed by the potential benefits of achieving their goals**. Therefore the choice to engage in a process towards a negotiated agreement becomes

the preferred strategy. National dialogue may contribute to this shift if it enables the parties to develop a better understanding of each other so they believe it will be possible to craft a mutually acceptable agreement and better relations in the future.

- c) Finally, this shift may be consolidated if the **negotiations produce agreements that seem to deliver enough of their goals without entailing unacceptable costs and negotiators have sufficient confidence that the agreements will be implemented**, either because of confidence in the good faith of their counterparts or because of external guarantees. Therefore the risks of decisively ending the military campaign or the political stand-off are worth the benefits they anticipate through the settlement.

This transformation does not take place outside of *realpolitik* considerations. Rather, it results from an awareness amongst the main power players that reaching consensual solutions offers the best hope for an inclusive-enough settlement due to their awareness that no party is able to dominate unilaterally.

6.3 Dynamics of Inclusion: negotiating power while empowering alternative voices and agendas

A more inclusive process has the implicit potential to challenge existing power structures that are based – at least in part – on exclusion. It may present threats to some existing power holders even as it presents opportunities to others.

The likelihood of the process becoming captured by a single dominant group is reduced if all the power players are a part of it. Their negotiation of the balance of power between them – if successful – can lead to a ‘step change’ in the use of primarily political means to address conflict. For example, excluding the Taliban from the various *loya jirgas* in Afghanistan meant that these processes were unable to serve as a forum for resolving this central axis of conflict. In Yemen’s national dialogue, the failure to meaningfully include influential factions within the Hirak leadership of the Southern Movement who had been advocating secession, or to reach a genuine consensus on how to address the north-south conflict, meant that a key driving factor in the conflict system was not addressed (Hassan and Eshaq 2014, Planta et al. 2015, 12).

Yet if only the established power players are a part of the process, issues of genuine concern to the public may be marginalised. There are also increased risks of an agreement based on the ‘dividing the spoils’ logic that occurs more typically in conventional bilateral peace negotiations. Political elites are usually interested in entrenching their own power and domination of resources. An inter-elite deal may prove relatively durable, as in Tajikistan, but it rarely gives rise to a transformation of underlying structural injustice or to healing fractured relations between identity groups leading to greater national integration and a more developmental state geared toward fulfilling the expectations of a new social contract.

At the same time, merely being included in a process does not equate with having the power to meaningfully influence it or to shape the outcomes. A large-scale process involving many participants does not automatically lead to their engagement in a dialogic process of re-negotiating the state and the political settlement. As Planta *et al.* caution: “National Dialogues can have over 500 participants in the case of Yemen or more than 1,000 as in Afghanistan and still not be representative if the ultimate decision-making power hardly rests with these participants.” (2015, 14) The process structure and decision-making methods may be crucial to enabling emerging social forces, in particular, to find their voice, to shape the agenda and to influence the outcomes, as discussed below.

A commitment to inclusivity may give space and opportunities for a more transformative agenda to emerge, especially if activists and other peacebuilders mobilise to claim that space and assert their voice in order to focus attention on issues important to public constituencies. The involvement of the Northern Ireland Women's Coalition in the Belfast Negotiations, for example, helped to ensure that victims' concerns were addressed and that other aspects of the agreement would be acceptable to communities across the sectarian divide (Fearon 2002).

Based on an analysis of the representative, multi-party negotiations that comprised the national dialogue processes in Northern Ireland and South Africa, Barnes (2002) concludes that **smaller political groupings influence the outcomes when they organise effectively, articulate coherent and persuasive analysis, and formulate realistic and innovative proposals**.¹⁷ They can contribute to the efficacy of the process methods due to their skill and commitment. They may also 'bring to the table' issues that were seemingly peripheral to the core negotiating agenda but are nevertheless key to public support, such as language policy in South Africa and victims' rights in Northern Ireland.

Thus by including smaller parties at the table, these more participatory processes may become a *de facto* forum for a degree of power-sharing with more peripheral groupings and the main power players. This was more likely in processes based on **making decisions consensually, avoiding vote-based decision-making**. While consensus-based procedures create incentives for integrative bargaining and compromise, voting can be unnecessarily divisive and can create incentives for powerful parties to revert to the temptation to act unilaterally in order to impose a preferred option.

Therefore while national dialogue can be the means through which existing relations of power are strengthened and legitimated, a truly inclusive process may challenge existing power structures and shift patterns of dominance over time as new forces become stronger. If so, the national dialogue becomes not only a forum for inter-elite renegotiation of the political settlement but also an opportunity for the kind of state-society negotiations that can generate the basis for a more responsive social contract (Barnes 2009b).

6.4 Roles of external actors

These opportunities are lost if the process is captured by one group or coalition at the expense of other key parties. While this may happen regardless of external involvement, external actors may either intentionally or inadvertently 'tip the playing field' in ways that benefit some groups over others.

Furthermore, attempts to railroad parties into an agreement in advance of their recognition that it addresses their interests can backfire in weak commitment to implementation. If external actors largely determine the terms without the buy-in of the principal parties, little will be changed in the conflict relationship and the settlement may be heavily dependent on external enforcement.

The sensitivity of these dynamics is clear and acknowledged by the UN:

“International support in such complex and rapidly evolving situations is therefore a fundamentally political and often high-risk undertaking. Efforts that bolster the power of unrepresentative leaders, or empower one group at the expense of another, can exacerbate the causes of conflict or create new sources of tension. International actors need to be mindful of these considerations.” (United Nations 2009, 5)

¹⁷ Nevertheless, there were in-built constraints on the issues that the processes could meaningfully address – especially in places where the power of those who controlled the state had not been altered fundamentally during the course of the conflict or the negotiated transition. In most cases, for example, the process did not result in significant redistribution of wealth or land reform, despite the fact that addressing this inequality was often cited by both the armed movements and civil society as a central goal (Barnes 2002, 12).

External actors need to be acutely aware of how their engagement influences the power dynamics in a process. International action may be needed to help shift the strategic calculus of the key power contenders in an armed conflict and/or in a repressive regime through **incentives, sanctions and conditionality** to realise that a dialogical process for negotiating a settlement is the best option (Griffiths and Barnes 2008).

External actors and international organisations can also help to balance the playing field by **supporting the participation of usually marginalised voices** – including women, ethnic minorities and indigenous people, and youth – in line with international norms. This can be done by encouraging all parties to value their participation as well as by contributing resources to build their capacity to play an effective role. It may also be through specific encouragement that serves as a catalyst for groups to engage, as occurred when Graça Machel encouraged women’s organisations to contribute to the process in Kenya.

Furthermore, external actors may have a role to play in offering **facilitation assistance** in some contexts. While national dialogues rarely rely on official international mediators, there may be roles for widely trusted external facilitators to structure processes, enable communication and generate options.

Whatever their role, external actors should continually assess whether and how their roles and methods have the effect of constructively re-balancing power asymmetries and encouraging conflict resolution, on the one hand, or shoring up what might well be a highly unstable victory by one ‘side’ on the other.

7 Towards Transformative Dialogue: from technocratic fixes to adaptive action

In the Introduction, it was asserted that there can be no predetermined ‘roadmap’ guiding the practitioner in how to travel the journey of transformative process in any specific context. This section proposes an adaptive approach to designing national dialogue that is based on cultivating the principles of ownership, inclusion, legitimacy and transforming power dynamics towards cooperation. The potential for transformative deliberative dialogue may be greatest in processes which are self-organising, that unfold over a considerable time, that are relationship-oriented and are accompanied by an intersecting set of multi-focal and multi-level initiatives that generally work in concert to enable a transitional period.

One of the criticisms of much international peacebuilding has been its tendency to utilise standard templates or ‘toolkits’ to guide interventions in ways that are often decontextualised (Mac Ginty and Richmond 2013, Thiessen 2014). This is a risk in the wider peacebuilding field, where **conflict and injustice may be treated as a series of technical problems that can be ‘solved’ by having the right ‘know how’**. If the main parties do not take primary responsibility for the national dialogue, ownership may shift to the agencies and experts who are brought in to support it. This risk is increased when international and local peacebuilders take an overly technocratic approach to the development and implementation of national dialogue, focusing on the goal of an agreement in ways that sacrifice the requirements of a transformative process to develop this outcome.

There follows the **risk of ‘projectising’ the process**, using a logframe logic of inputs and outputs to achieve preconceived results. This can sometimes get in the way of the more organic and relational logic of transformative processes. For example, it may lead organisers to stick to the original plan – such as the agenda or a timetable set out in the charter for a process – despite the fact that the context has

changed radically or key issues have surfaced that need to be addressed to unlock the wider conflict system.

This contrasts sharply with a paradigm of peacebuilding rooted in awareness that these processes are embedded within complex adaptive systems, where multiple forces are acting in unpredictable ways, generating surprising outcomes. **Adaptive action** is based on responding creatively to changing contexts and unpredictable circumstances with no specific, linear prescribed sequence of steps. While you can neither predict nor control how change will happen, it is possible to create conditions that will be more likely to shape the emergent change, in part based on recognition that change on the large scale is dependent on change at the local scale (Eoyang and Holladay 2013).

7.1 Contexts ripe for transformative dialogue

Pruitt and Thomas (2007) suggest that a dialogue process may gain traction in environments where there is broad-based or growing support for participatory processes, momentum behind the desire for positive change and urgency to take the risks in doing so through dialogue. In essence, they are activating their agency to take responsibility for finding a solution through the politically highly risky process of reaching out to ‘the other(s)’.

The opposite may well also be true. Pruitt and Thomas (2007, 71-72) recommend that a dialogue may not be advisable when a thorough assessment reveals that:

- ≡ A significant imbalance of power is likely to fundamentally compromise the dialogue, raising the possibility of co-optation by the more powerful group.
- ≡ Violence, hate and mistrust are stronger than the will to find common ground.
- ≡ Key groups or sectors are insufficiently organised internally, or lack a coherent sense of collective identity.
- ≡ Key parties lack the will to participate.
- ≡ Key parties express willingness to participate but seem to be ‘going through the motions’ with no intention that the process should lead to anything.
- ≡ Time pressure is too great.
- ≡ Key parties lack the capacity to follow through, such as when a government has lost credibility or faces an imminent election challenge.

While not developed for national dialogue processes (Berghof Foundation 2017) per se, these criteria suggest that it may be as important to consider when such a process is not advisable as it is to consider how to launch such a process.

Returning to the earlier discussions on ownership and inclusion, it is also important to explore who feels empowered to engage with the design and the dynamics of the process. Some key questions include:

- ≡ Who believes the national dialogue offers a way to address their core concerns and to improve the situation overall? Does it include a spectrum of opinion crossing the key conflict divides or is it only one (or a few) of the ‘sides’ in the conflict context?
- ≡ Who feels primarily responsible for the process and its success – the main conflict stakeholders and other local actors or external mediators and peacebuilding experts?
- ≡ Who has the power to determine goals, priorities and decisions – and what are the processes through which this is undertaken?
- ≡ Who takes responsibility for structuring the ‘architecture’ of the dialogue? Is it the result of intense negotiations between the key parties (which, if successful, may increase their sense of ‘buy-in’ to the

process)? Is it an external mediator/mediating body, in the interests of those groups considered to be the main stakeholders? Or is it by one of the ‘sides’ in the conflict, such as a government agency? Expanding the reach of the process to engage more types of people and groups in these different dimensions is likely to increase the resilience of the process and the effectiveness of its outcomes.

7.2 Adaptive process design

Changes are typically only possible over a longer period of time, in which parties test how far they can go and then recalibrate based on the pushback of others. **Adaptive processes tend to take considerable amounts of time, often unfolding over many years**, as in South Africa and Northern Ireland. This contrasts, for example, with the four-day Iraq National Conference or the Constitutional Loya Jirga in Afghanistan, which was originally planned for 10 days but lasted 22 days in the end. While a national dialogue *per se* may be only one phase in this overall transformative process, it is still important to understand that it is rarely something that can be very effective if it is conceived as a rushed event or as the only event to effect a transition.

One advantage of ‘self-organising’ processes that emerge organically from parties’ negotiations with each other is that they are rooted in a profound knowledge of the power structures in society. While this indeed may be the principal source of contention, it can also be a resource for ensuring that representatives of the relevant forces are in some way engaged, as happened in South Africa and Northern Ireland. In that sense, protracted ‘talks about talks’ are often the necessary proving ground for the parties in developing sufficient confidence in the potential for dealing with opponents in the substantive national dialogue, as discussed above.

Hannes Siebert, himself a veteran of South Africa’s self-organised transitional negotiations, argues that: “The most effective dialogue and peace structures are the ones carefully designed by national stakeholders themselves to collectively address their conflict and broken constitutional instruments. These authentic structures and common spaces have grown into the ‘immune system’ that has strengthened societies from within.” (Siebert 2015, 44)

Many national dialogues are not convened by a single mediating body in the way that most peace negotiations tend to be conducted. National dialogue processes that are designed by a single convening group may be technically sound and yet lack the transformative potential that can occur when the process emerges out of the political wrestling amongst the parties to develop the understanding needed to find a mutually agreeable modality for engagement.

This has the ‘downside’ of often being more chaotic and complex. The main conflict protagonists are likely to lack experience in designing and facilitating large-scale, complex, multi-party dialogue processes. This may lead to a poorly conceived and implemented process, with tremendous opportunity costs. The ‘upside’, however, is that if they are successful, they tend to transform the political culture and institutions through the experience of working through their contested issues by essentially political processes. Experienced process designers and facilitators working to support the range of local parties may together best be able to create the conditions needed for national dialogue that is capable of helping to set the trajectory for transforming the underlying conflict system.

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